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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

OA No. 172 of 2021

IN THE MATTER OF:

Poonam Yadav

Applicant

Versus

M/s Ecogreen Energy Pvt. Ltd. & Ors

Respondent(s)

with

OA No. 109 of 2022

Vivek Kamboj & Anr

Applicant

Versus

Union of India & Ors

Respondent(s)

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(1)

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**ACTION TAKEN REPORT BY AKHILESH KUMAR, JOINT
COMMISSIONER-(SBM), MUNICIPAL CORPORATION OF
GURUGRAM.**

Most Respectfully Showeth:-

1. That in compliance of order dated 17.05.2024 the present report is being submitted to place on record the latest status of progress at Bandhwari site and disposal of waste in compliance of the aforesaid orders. Action taken upon on the issues highlighted in the orders of this Hon'ble Tribunal are summarized in the succeeding paragraphs.

2. Status of Legacy Waste: -

The Legacy waste piled up at Bandhwari, Gurugram SLF site is being managed by MCG by Bioremediation & Bio Mining. The fractions obtained after biomining are Bio Soil, RDF, Inert and C&D Waste. The RDF is being

sent to cement plants, waste to energy plants and pre-processing units authorized by SPCB. The Bio Soil is being utilized to fill the low lying area and by the farmers to enrich the soil. The target to process the entire legacy waste has been fixed for 31.12.2024. The detail of legacy waste and its processing is given as under:-

Sr. No	Description	Quantity in Lac MT
1	Total legacy waste assessed in January 2023	30.43
2	Fresh waste received from Jan 2023 to Dec 2023	6.06
3	Fresh waste received from Jan 2024 to 30 th August, 2024	3.82
Total waste received (A)		40.31
4	Waste Processed from Jan 2023 to Dec 2023	16.50
5	Waste Processed from Jan 2024 to 30 th August, 2024	14.22
Total waste processed (B)		30.72
Balance waste to be processed as on 30.08.2024 (A-B = C)		9.59
6	Waste expected to be received from 30 th August, 2024 to December 2024 (D)	2.50
7	Total waste to be processed up to December 2024 (C+D)	12.09
8	Total working days w.e.f 30.08.2024 to 31.12.2024	122 days
9	Effective working days after reducing rainy days and festivals	110 days
10	Waste to be processed per day (30.08.2024 to 31.12.2024)	10990 TPD

3. **Bulk Waste Generators in MCG:** - MCG has so far identified 1681 Bulk Waste Generators, generating 228 TPD MSW. BWGs are supposed to manage their waste within their own premises as far as possible as per SWM

Rules 2016, but only 400 BWGs are managing of 62 TPD MSW. To identify more BWGs and to motivate the BWGs, MCG has empanelled 25 expert agencies which are providing support to BWGs to manage their waste as per SWM Rules 2016. MCG has set the following timelines for managing the waste at their own by all BWGs, with the help empanelled agencies:

Sr. no.	Description	Timeline/Target Date
i.	Survey for identification of all BWGs has been started and will be completed.	30.11.2024
ii.	Compliance of SWM Rules by 50 % BWGs	31.01.2025
iii.	Compliance of SWM Rules by 60 % BWGs	28.02.2025
iv.	Compliance of SWM Rules by 75 % BWGs	31.03.2025

4. Bulk Waste Generators (BWGs) in MCF

MCF has so far identified 563 Bulk Waste Generators, generating 85 TPD MSW. BWGs are supposed to manage their waste within their own premises as far as possible as per SWM Rules 2016, but only 181 BWGs are managing of 45 TPD MSW. To identify more BWGs and to motivate the BWGs, MCF has empanelled 5 expert agencies who are providing support to BWGs to manage their waste as per SWM Rules 2016. MCF has set the following timelines for managing the waste at their own by all BWGs, with the help empanelled agencies:

Sr. no.	Description	Timeline/Target Date
i.	Survey for identification of all BWGs has been started and will be completed.	30.11.2024

ii.	Compliance of SWM Rules by 50 % BWGs	31.01.2025
iii.	Compliance of SWM Rules by 60 % BWGs	28.02.2025
iv.	Compliance of SWM Rules by 75 % BWGs	31.03.2025

In order to achieve the above targets following steps are being taken:

3.1 Segregation, Collection, Transportation and Processing of MSW as per SWM Rules and Guidelines issued by CPCB and SBM.

3.1.1 Segregation in MCG & MCF: -

Corporation	Present Status of Segregation	Gap	Timeline to achieve the target
MCG	15 %	85 %	<ul style="list-style-type: none"> •30 % by 31.12.2024 •50 % by 31.03.2025
MCF	20 %	80 %	<ul style="list-style-type: none"> •75 % by 30.06.2025 •90 % by 30.09.2025 •100 % by 31.12.2025

3.1.2 Action Plan and timeline to achieve the above targets:

Sr .No.	Content	Timeline
1.	MCG has empanelled 8 NGOs for conducting IEC activities regarding management of Solid Waste Including Source Segregation, Regular IEC activities are conducted and monitored by respective Joint Commissioners.	Already Engaged and will continue.

2.	First priority for segregation of the waste will be Bulk Waste Generators. An online BWG MIS Portal has already been launched by MCG for registration of BWGs and is being monitored at ICCG in GMDA office Gurugram.	System already in place and is being monitored.
3.	206 BWGs have already been registered and are being monitored on BWG MIS Portal. 08 resource persons have been deployed by MCG for inspection and monitoring of BWGs.	NA
4.	a) Promoting healthy competition among Resident Welfare Associations to maintain cleanliness standard, an award of Rs. 1.0 Cr. and Rs. 50 Lac is proposed for development works to be given to 2 wards after due assessment by the independent agency, every two months. b) An award of Rs 5000/- will also be given to efficient Sanitation Worker in each ward of MCG every month.	01.08.2024 TO 31.12.2025
5.	Non complying of SWM Rules shall be penalized and the name of violators will be published in News Papers and on Social Media to force them to comply with SWM Rules.	01.08.2024 TO 31.12.2025
6.	MCG has empanelled 25 expert agencies to facilitate and support BWGs for their waste management.	NA
7.	The BWGs will be penalized by MCG for non-compliance of SWM Rules as per orders passed on 26.07.2024 by Hon'ble NGT in OA 458 of 2023 regarding environmental compensation. A fine of Rs. 25000/- will be imposed in case of first instance of violation and Rs. 50000/- in case of any further instances of violation.	01.10.2024 ONWARDS

5. **Present status of Waste Processing and Short Term Action Plan of MCG:**

The present combined capacity of waste processing is 254 Tons Per Day (TPD), whereas the waste generation is 1200 TPD. To address the remaining 946 TPD of waste, short-term action plan is proposed as under:

Augmentation of Fresh MSW processing & next steps				
S. No.	Operational processing facilities in Gurugram	Processing Status as on 13.05.2024 (TPD)	Processing Status as on 30.08.2024 (TPD)	Augmented Processing to be achieved by 31.12.2024 (TPD)
1	Processing by BWGs	30	62	125
2	Beri Bagh MRF cum composting site	40	90	110
3	Badshahpur MRF cum composting site	40	50	125
4	Sector-44 MRF cum composting site	38	50	50
5	Opposite Paras Hospital MRF cum Bio-Gas	2	2	5
	Total	150	254	415

6. **Present status of Waste Processing and Short Term Action Plan of MCF:**

The present combined capacity of waste processing is 254 Tons Per Day (TPD), whereas the waste generation is 1200 TPD. To address the remaining 946 TPD of waste, short-term action plan is proposed as under:

Sr. No.	Ways for reducing untreated waste being sent to Bandhwari SLF	Processing (as on 13-05-2024)	Processing (at present)	Augmented Processing Capacity (31.12.2024)
1.	Dry waste recovery	95 TPD	120 TPD	150 TPD
2.	Decentralised Waste Processing at Mujeri	80 TPD	100 TPD	120 TPD
3.	Decentralised Waste Processing at Pratapgarh	30 TPD	140 TPD	200 TPD
4.	Waste Processing by BWGs	30 TPD	45 TPD (from 181 complying units)	75 TPD (from 400 BWGs)

5.	Bio methanation plant	5 TPD	5 TPD	5 TPD
	Total	240 TPD	410 TPD	550 TPD

7. **Long Term Action Plan and timelines for complete processing of MSW:**

Assuming a population 30,00,000 by 2030, with waste generation estimated at 500 grams per capita, the total waste generation in Gurugram is projected to be 1500 TPD. Steps are being taken to meet future projections of Waste.

An MoU for setting up of MSW to Torrefied Charcoal Plant with NTPC Vidyut Vyapar Nigam Ltd (NVVN) has been signed on 20-07-2024 for processing of 1500 TPD of MSW. Timeline to achieve the above target is as under:-

Sr. No.	Particular(s)	Timeline
1.	100% waste management of legacy waste.	31.12.2024
2.	MoU has been signed with NVVNL for setting up of Waste Processing Plant (Torrefied Charcoal) in Gurugram with a capacity of 1500 TPD.	Already signed on 20.07.2024
3.	Handing over of Land at Bandhwari to NVVNL for construction of the processing plant .	01.01.2025
4.	Construction of Waste Processing Plant (Torrefied Charcoal) plant in Gurugram with a capacity of 1500 TPD by NVVN.	01.03.2025. To 31.10.2026
5.	Testing of Torrefied Charcoal plant in Gurugram.	01.11.2026 to 15.12.2026
6.	Commissioning of Torrefied Charcoal Plant at Bandhwari, Gurugram.	16.12.2026
7.	Processing of fresh waste expected to be generated from Jan 2025 to Dec 2026 at existing facility at Bandhwari.	01.01.2025 to 31.12.2026

8. **Status of request to made by MCG to other organizations: -**

8.1 **NTPC:**

An MoU has been signed with NTPC as detailed in para no. 7.

8.2 **NHAI:**

NHAI has informed that presently projects under jurisdiction of PIU-Dwarka in District Gurugram have been completed in O & M stage. In the current scenario, the authority is not in position to take up the utilization of the Compost, Bio-soil and inert material in the Bandhwari landfill site, Gurugram in co-ordination with MCG.

8.3 **HAU:**

During the discussion with HAU authorities they inform that HAU is not involved in marketing of any product, however they are ready to test the material and give suggestion as and when required.

8.5 **NCCBM:**

The Director NCCBM visited the site along-with two scientists and collected the samples of Bio-soil and Inert. He informed that since Bio-soil contains organic material, it cannot be used in the construction material for infrastructure projects.

9. That it is humbly submitted that status of processing of waste at Gurugram and Faridabad has also been placed before Hon'ble Supreme Court of India in compliance of Order dated 26.07.2024, copy of which is annexed herewith as **ANNEXURE-R/1.**

It is therefore, submitted that sincere efforts are being made for treatment of legacy waste and fresh waste as per directions of the Hon'ble Tribunal.

Place: Gurugram

Date: 30/08/24

[Handwritten Signature]
30/08/24

Joint Commissioner-SBM,
Municipal Corporation,
Gurugram.

(10)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: SOLID WASTE DISPOSAL AND IA NOS. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL) AND REPORT OF COMMISSION FOR AIR QUALITY MANAGEMENT NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M. K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MS. ROOHE HINA DUA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA MR. RAJIV M. ROY, ADVOCATES)

Date: 26-07-2024 This matter was called on for hearing today.

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HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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UPON hearing the counsel the Court made the following

IN RE: PUC CERTIFICATE

IA NO.134634/2018

1. We have perused the order dated 10th August, 2017. The said order accepts the recommendations submitted by the Environment Pollution (Prevention & Control) Authority (EPCA). Based on the recommendations of the EPCA, the following direction was issued:

"There is now no dispute or disagreement about this. However, it is made clear that the Insurance Companies will not insure a vehicle unless it has a valid PUC Certificate on the date of renewal of the insurance policy.

This should be implemented at the earliest."

2. No provision under the Motor Vehicles Act, 1988, or any other enactment and rules framed thereunder provides that a motor vehicle insurance policy cannot be renewed unless the vehicle has a valid PUC certificate. As rightly submitted by the learned Solicitor General, if the said direction is implemented in its letter and spirit, it will have disastrous consequences. Many vehicles will continue to ply without third-party insurance. Therefore, we are inclined to allow this Application by deleting the direction described above.

3. Obviously, the direction was issued to ensure that every motor vehicle always has a valid PUC certificate. If motor vehicles are allowed to ply on roads without valid PUC certificates, it adds to the existing pollution. Therefore, there has to be some effective

and practical solution. An attempt was made to find an effective solution, as seen from the Note dated 15th July 2024, submitted by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae. The suggestion is based on Report No.99 of the EPCA, which notes the limitations of the PUC tests and has recommended the introduction of remote sensing technology in addition to PUC tests for controlling vehicular pollution. A direction was issued by this Court on 19th August 2019 to the Ministry of Road Transport and Highways (MoRTH) as well as the Ministry of Law to take a final decision in the matter and to file a status report. The learned Amicus Curiae submitted that yesterday a report has been filed, which, according to her, is disappointing in the sense that the technology which can be effectively used to control the pollution caused by the vehicles has not appealed to MoRTH. When a body like EPCA had recommended the use of remote sensing technology in addition to PUC tests, MoRTH ought to have taken the suggestion seriously. The learned Solicitor General assures the Court that MoRTH will reconsider the issue. This issue has been hanging fire for the last four years. We are of the view that somewhere a beginning has to be made by commencing the use of remote sensing technology. Therefore, to begin with, it will be appropriate if the use of remote sensing technology can commence in NCR States. MoRTH shall seek the cooperation of the concerned Authorities of the NCR States for this purpose. If MoRTH finds that the concerned Authorities of the NCR States are not cooperating, we permit MoRTH to move this Court so that a notice can be issued to the concerned

4. We grant MoRTH two months to reconsider its position and make an appropriate decision based on our suggestions above.
5. Needless to add, the Secretary of the Ministry of Road Transport and Highways shall immediately convene a meeting of his counterparts and Secretaries of the concerned Departments of the NCR States. MoRTH shall forward copies of this order to the relevant departments of the NCR States to ensure their full cooperation.
6. This Application stands allowed accordingly.

IN RE: SOLID WASTE MANAGEMENT

1. We have perused the affidavit filed by the Municipal Corporation of Delhi (MCD). We agree with the submission made by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae, that in Delhi, the prevailing situation may lead to a health emergency as the generation of solid waste per day in the capital city is above 11000 metric tonnes and the capacity of the processing plants made available by the MCD is only 8073 metric tonnes per day. Therefore, about 3000 metric tonnes of untreated solid waste is accumulating daily in the capital city, and we are sure this figure will gradually increase with every passing day. In the affidavit filed by the MCD, they have come up with the timelines for setting up additional facilities or for enhancing the capacity of the existing facilities. It is pointed out that

litigations are pending. We do not see the light at the end of the tunnel as going by the affidavit of the MCD and assuming that the timelines mentioned therein are abided by, there is no possibility of creating required facilities in the capital city even till 2027, which will have the capacity to deal with 11000 metric tonnes of solid waste per day. No guesswork is required to state that by that time, the generation of solid waste will multiply. We agree with the learned Amicus Curiae that this will lead to a public health emergency. This is a sorry state of affairs when it comes to the implementation of the Solid Waste Management Rules, 2016 (for short, "2016 Rules") in the capital city.

2. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change (MoEFCC) of the Government of India to immediately convene a meeting of all the concerned State Government officials, the Commissioner of the Municipal Corporation of Delhi and its officials for working out an immediate solution to the issue. We direct the Secretary of the MoEFCC of the Government of India to submit a report to this Court about immediate measures required to be taken for ensuring that non-compliance with the 2016 Rules does not create serious health emergency in the capital city of Delhi.

3. Our attention is invited to an affidavit filed on behalf of the Swachh Bharat Mission (SBM), Ministry of Housing and Urban Affairs (MoHUA), Government of India. It is stated that on 10th July 2024, the MCD moved the Government of NCT of Delhi to delegate

financial power to the MCD as per the provisions of Section 202 of the Delhi Municipal Corporation Act, 1957, to approve the rates and agency contracts beyond a sum of Rs.5 crores relating to solid waste management projects. We direct the Government of NCT of Delhi to immediately consider the said proposal dated 10th July, 2024 and take an appropriate decision within three weeks from today. The Registry shall forward a copy of this order to the Chief Secretary of the Government of NCT of Delhi. The proposal dated 10th July, 2024 clearly states that it is limited to solid waste management projects. Considering the prevailing situation, if this relief is not granted to the MCD, it will not be able to comply with the 2016 Rules. The Government shall take note of this factual position

4. The situation within the limits of Gurugram, Faridabad and Greater NOIDA is equally bad. For example, the total generation of solid waste in Gurugram is 1200 metric tonnes per day, but the processing capacity of the plants is only of 254 metric tonnes per day. Regarding Faridabad, the total generation of solid waste is 1000 metric tonnes per day, and the processing capacity of plants is approximately of 410 metric tonnes per day. The situation in the Greater NOIDA is slightly better. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change of the Government of India to immediately convene a meeting with the Secretary of the Ministry of Housing and Urban Affairs (MoHUA), the Commissioners of the Municipal Corporations at Gurugram and

Faridabad, officials of the Greater NOIDA and the Secretaries of the Department of Environment of the State Governments of Haryana and Uttar Pradesh and come out with immediate solutions to deal with the crisis which will lead to public health emergency. The report regarding Delhi and these three areas of Gurugram, Faridabad and Greater NOIDA shall be submitted by the Secretary of the MoEFCC of the Government of India within one month from today.

5. For considering the issue regarding solid waste management, list on 6th September, 2024.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)