

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 168 OF 2019

IN THE MATTER OF:

Ramesh Chandra Kapri.

.....Applicant

Versus

State of Uttarakhand.

... Respondent

STATUS REPORT BY WAY OF AFFIDAVIT ON
BEHALF OF STATE OF UTTARAKHAND IN
COMPLIANCE OF ORDER DATED 16.04.2021
PASSED BY THIS HON'BLE TRIBUNAL IN THE
ABOVEMENTIONED MATTER

P A P E R - B O O K

I N D E X

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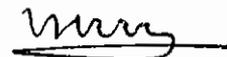

[RAHUL VERMA]

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/Respondent

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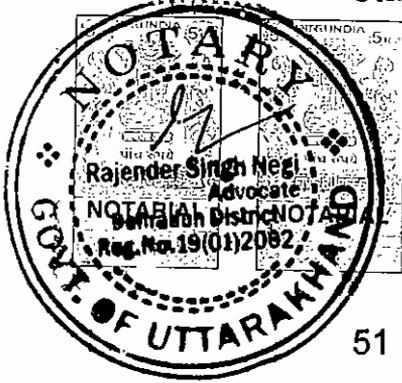
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STATUS REPORT BY WAY OF AFFIDAVIT ON BEHALF
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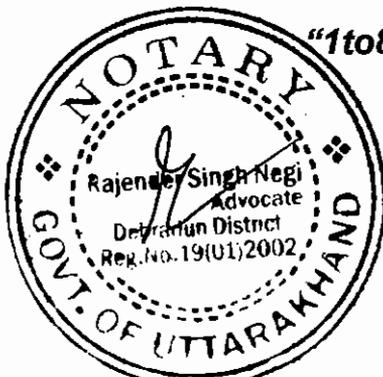
I, VINOD KUMAR SUMAN S/o Shri RAJ NARAYAN aged about

51 years, presently posted Secretary (Incharge), Department Urban
Development, Government of Uttarakhand, Secretariat, 4, Subhash
Road, Dehradun, 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.
2. That this Hon'ble Tribunal vide its order dated 16.04.2021 passed the following directions:-

"5. Vide order dated 14.12.2020 in O.A. No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues, further direction issued is as follows:-

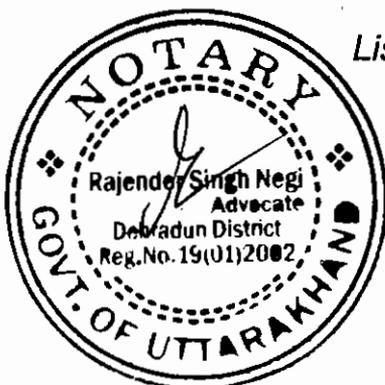
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- 9. The compensation in terms of earlier order be recovered and credited to a separate account with the Environment Department of the States/UTs to be used for restoration of environment in the concerned States/UTs. The deposit, instead of being made with the CPCB, may now be made to the said account."**
6. The report is incomplete as it is not clear whether there dumping of solid waste is in forest land or elsewhere and how the waste is handled. The new proposed site needs to be developed in an integrated manner to have adequate capacity for waste processing and for material recovery. There is also no mention of legacy waste stored. SPCB may 8 technically assist the local body and ensure complete report is filed before next date of hearing.
7. The order of the Tribunal is binding as a decree and violation is also criminal offence under section 26 of the NGT Act, 2010. It is a matter of regret that in the State of Uttarakhand there is rampant violation of directions of this Tribunal as shown by the report in present case as well as in EA No. 22/2020 and O.A. No. 144/2019 listed today. This is hardly conducive to the Rule of law and protection of public health.
8. Accordingly, we direct the Chief Secretary of Uttarkhand to ensure that remedial action is taken, which may include compliance of rules, recovery of compensation and coercive action against erring officers.

List for further consideration on 06.08.2021.

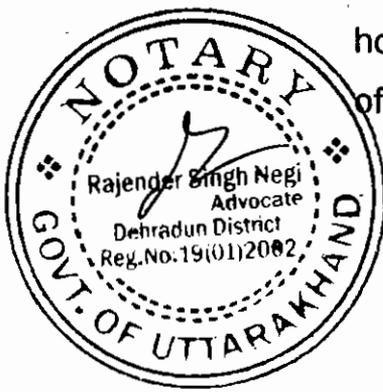


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.....”
 A true copy of the order dated 16.04.2021 is annexed hereto and marked as ANNEXURE-1.

3. That before giving the subject-wise status report, the some important point are being submitted hereinbelow for kind perusal of this Hon'ble Tribunal:-

- A. That for SWM Treatment and Disposal purpose Revenue Land Area 0.75 Hectare is made available.
- B. That for total legacy waste 31500 cu.m., D.P.R. costing Rs. 1.55 Cr, already submitted to State Government on 21-6-2021.
- C. That regarding Solid Waste: Against total of 28 MTPD, 28 MTPD is being processed using 12 Nadel Pit and 1 OWC (Organic Waste Converter). Plastic/ recyclables are being compacted every day using plastic compactor.
- D. That DPR of Rs. 8.29 Cr already approved and Rs. 5.25 Cr released to ULB for Development and Construction of "Treatment and Disposal Site".
- E. That for EIA, tender already floated and is in process. Details as per Compliance Report.
- F. That report is submitted to State pollution Control Board also.
- G. That for disposal of the solid waste of the local body, for full compliance of the provisions of the Solid Waste Management Rules, 2016 are for scientific disposal of the waste, the D.P.R. of cost of Rs.829.45 Lakhs has been approved by the State Govt. According to the D.P.R., the dustbins will be distributed to every house for segregation of the wet and dry waste. After collection of the organic and inorganic waste from the door to door, the

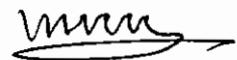


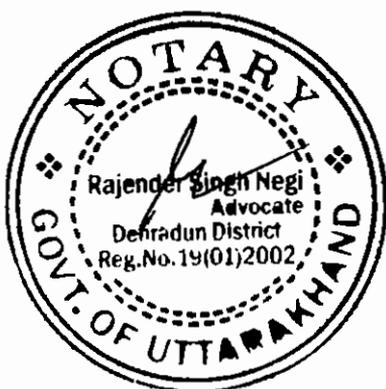
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organic manure will be produced from the organic waste and after segregation of the waste, the rest of the waste will be auctioned and R.D.F. will be baled by the using "Plastic Compactors".

The dustbins have been distributed to the 2000 houses and distribution work of the dustbins to the rest of the houses is going on. The collection of the waste from door to door is also going on. The segregation work of the collected waste is being done at the site only. It is also brought to the kind notice of this Hon'ble Tribunal that most of the population of the city is situated in the hilly area.

- H. That as per the detailed report submitted by Executive Officer, Nagar Palika Parishad, Pithoragarh vide Letter No. 343/ NP/ 7-Swa-Anu/2021-22, Dt: 22-7-2021 it has been requested that
- (i) Using 12 Nadep Pits and 1 OWC (Organic Waste Converter), Organic waste is being converted in Compost and;
 - (ii) By using Plastic Compactor, plastic/ recyclables/ card boards are being compressed and disposed accordingly.
 - (iii) DPR of Rs. 829.45 Lacs has been approved by State Government and Central government and Rs. 525.51 Lacs has been released to ULB Pithoragarh for implementation of the SWM Project.
 - (iv) Land/ Revenue land area 0.75 Hc has been procured by ULB for SWM project.
 - (v) Legacy Waste DPR of Cost Rs. 1.55 Cr prepared and is process of approval in State Government, it will be considered on to propriety.





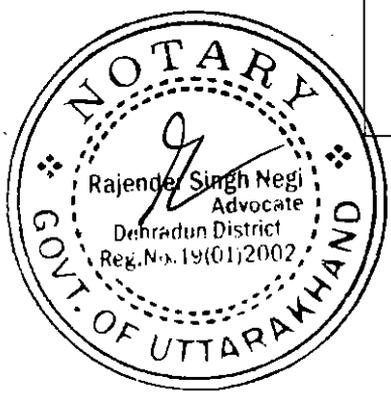
(vi) EO NPP Pithoragarh has requested that during pandemic of COVID 19, ULB staff was engaged in different sanitation related activities and they were working with 33%/50% staff strength and they were trying their level best to make DPRs of SWM and Legacy Waste and perusing hard for execution of SWM project.

(vii) Before execution of SWM project, as per the provision Sub Rule (3) of Rule 5 of The EP/ Environment (Protection) Rules 1986, Point No.2 there is a statutory provision for "Requirement of Prior Environmental Clearance",

For selection of "NABET- Accredited Consultants", for EIA, tender has been floated by NPP Pithoragarh. In 1st instance no one participated, again it is being floated.

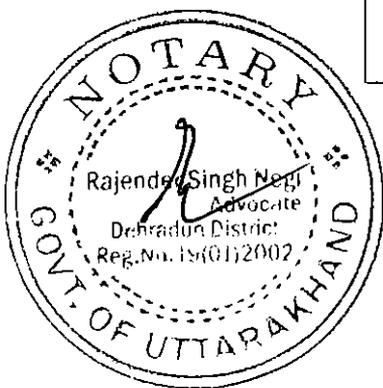
4. That the present Compliance/ Status Report of Solid Waste Management of Nagar Palika Parishad, Pithoragarh is stated below herein:-

Sr. No.	Related to Detailed Project Report / DPR of SWM, Pithoragarh	Status as on 26.7.2021
1	As per SWM Rules 2016, DPR Costing Rs. 636.99 Lakh prepared and approved by State Government and Central Government	1. It is respectfully submitted that the Central Government's Share of 35% of Rs. 222.95 Lakh was approved and Rs. 111.47 lakh is released to State Government by Government of India vide



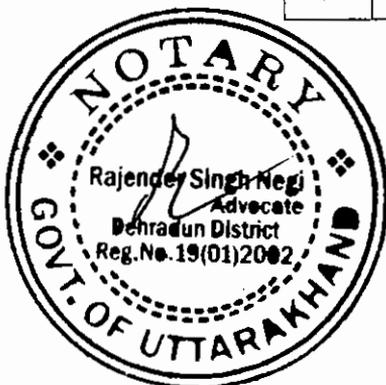
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		<p>letter no. 1/18/2015-SBM, dated 19.9.2019.</p> <p>2. Rs.414.04 lakhs as state share (65% of project cost) have been released to ULB for implementation of SWM proposed project.</p> <p>3. EIA (Environmental Impact Assessment)/ Environmental Clearance process has been initiated by ULB; tender is in process. Tender was called by Nagar Palika Parishad, Pithoragarh, but nobody participated. Again, tender is being floated for selection of consultants for EIA.</p>
2.	Activities related to Plastic Ban and implementation of "Uttarakhand Anti Littering and Anti Spitting Act 2017"	1. Rs. 2.30 Lacs recovered as fine from violators, as per the provisions of "Plastic Ban" violators.



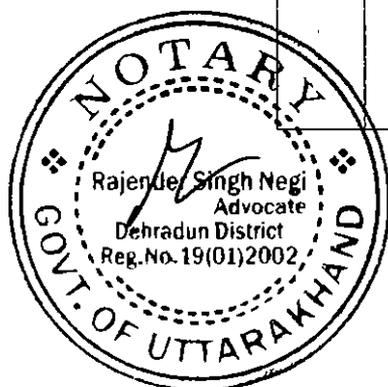
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		2. Rs. 1.24 Lacs recovered as fine from violators , as per the provisions of "Uttarakhand Anti Littering and Anti Spitting Act 2017".
3	Present Status of Solid Waste Management in Pithoragarh	1. Total Population of Pithoragarh is 62502 (Sixty two thousand five hundred & two) as per 2011 Census, 12.19 sq. km is the Urban Area and there are 20 Wards and against total waste generation of 24 MTPD (Metric Ton Per Day), 12.7 MTPD is being disposed using 01 OWC (Organic Waste Converter Machine), 12 Decentralized Organic Pits, additional 6 pits are under construction, 2 Sanitary Pads Disposal Bins and 11.3 MTPD Inorganic Waste is being



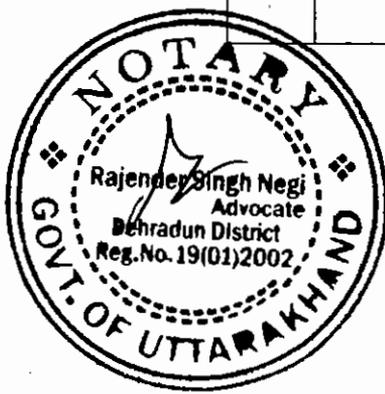
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		<p>disposed using Plastic Compactor.</p> <ol style="list-style-type: none">2. There are total 10500 households and 1763 Commercial /Shops / Institution, total 16717, and 100 % door to door collection is being done in 16717 households and shops. Around 50% source segregation is also being done.3. 0.75 Hec land has been arranged in Nainipatal by Nagar Palika Parishad, Pithoragarh for SWM treatment and disposal purpose and the above revenue land has been transferred to NPP Pithoragarh for SWM treatment and disposal purpose.4. At present ULB is collecting and disposing
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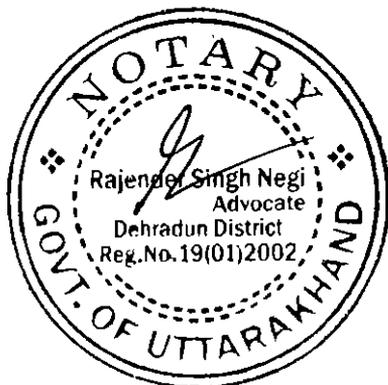
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		<p>MSW using 3 Auto Tipper, 02 Pickup Van, 01 Tipper Truck & 1 JCB with the help of 200 Sanitation Staff.</p> <p>5. Plastic is being Segregated from MSW and is being Compacted using Plastic Compactor, about 15 Ton of Compacted Plastic has been disposed.</p> <p>6. Segregated Vegetable/ fruits waste/ Organic Waste is being disposed using OWC (Organic Waste Converter) of capacity 0.50 Ton per day and rest is being disposed on the disposal site. Compost prepared using above machine is being utilized by Nagar Palika Parishad</p>
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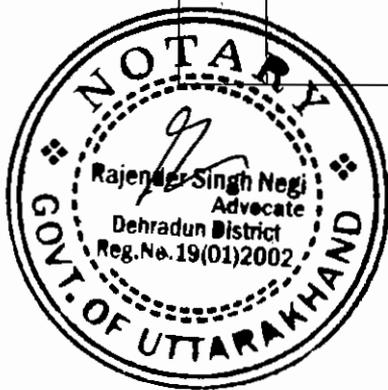
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		<p>Pithoragarh in their own parks and ground.</p> <p>7. 3 separate vehicles are engaged for IEC activities related to SWM for "Source segregation and Door to Door collection"</p> <p>8. Regular directions/orders are being issued from Urban Development Directorate, Uttarakhand to all the ULBs (including Nagar Palika Parishad, Pithoragarh) for implementation of SWM Rules 2016, Rule 22 as per the directions passed by Hon'ble National Green Tribunal passed in OA No. 606/2018.</p>
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4	Legacy Waste: Treatment and Disposal	<p>1. The total quantity of legacy waste is 31500 cu.m, DPR cost of Rs. 1.558 Crore has been submitted by ULB vide letter No.676/ 772/ SWM/ NGT/ 168 of 2019 dated 21.06.2021.</p> <p>It is further respectfully submitted that the proposal for remediation of legacy waste has been submitted to Government of Uttarakhand vide its letter No.676/772/SWM/NGT/168 of 2019, Dated 05.07.2021 and is in process of evaluation and approval.</p>
5.	To ensure that remedial action taken, which may include compliance of Rules, recovery of compensation and coercive action against erring officers	<p>That as per the detailed report submitted by Executive Officer, Nagar Palika Parishad, Pithoragarh vide Letter No. 343/ NP/ 7- Swa-Anu/2021-22, Dt: 22-7-2021 it has been requested that</p> <p>1- Using 12 Nadep Pits and 1 OWC (Organic Waste Converter), Organic waste</p>



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is being converted in Compost and;

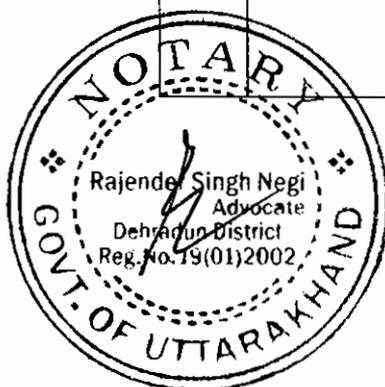
2- By using Plastic Compactor, plastic/ recyclables/ card boards are being compressed and disposed accordingly.

3- DPR of Rs. 829.45 Lacs has been approved by State Government and Central government and Rs. 525.51 Lacs has been released to ULB Pithoragarh for implementation of the SWM Project.

4- Land/ revenue land area 0.75 hectare has been procured by Urban Local Body for SWM project.

5- Legacy Waste DPR of Cost Rs. 1.55 Cr prepared and is process of approval in Government of Uttarakhand.

6- Executive Officer, Nagar Palika Parishad,

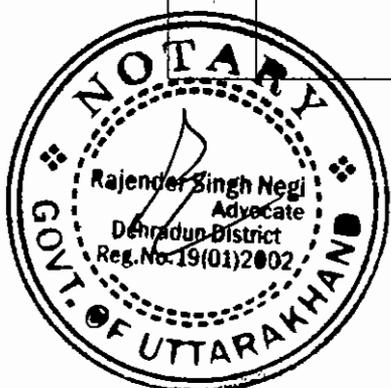


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Pithoragarh has requested that during pandemic of COVID 19, ULB staff was engaged in different sanitation related activities and they were working with 33%/50% staff strength and they were trying their level best to make DPRs of SWM and Legacy Waste and perusing hard for execution of SWM project.

7- Before execution of SWM project, as per the provision Sub Rule (3) of Rule 5 of The EP/ Environment (Protection) Rules 1986, Point No.2 there is a statutory provision for "Requirement of Prior Environmental Clearance",

For selection of "NABET-Accredited Consultants", for EIA, tender has been floated by NPP Pithoragarh. In 1st instance no



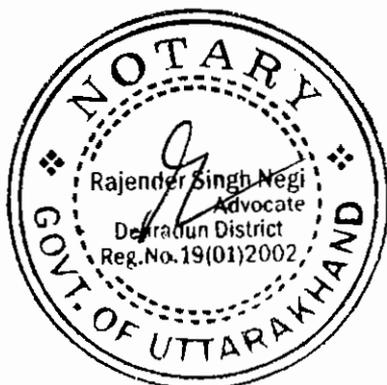
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	one participated, again it is being floated.
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5. That in addition to the abovementioned report Status-wise report, the some important point are being submitted hereinbelow for kind perusal of this Hon'ble Tribunal:-

A. It is respectfully submitted that the Pithoragarh city is situated in the very heterogeneous geographical location Hilly area of State of Uttarakhand. According to census of 2011 the total population of the city is 62,502 and present population of the city is about one lakh. The Pithoragarh city is divided by the Nagar Palika Parishad, Pithoragarh in 20 wards. In the city about 10,500 buildings are situated. Because of hilly area, only 20% houses are reachable with the light vehicle or two wheelers and the rest part of the city, can be reach by foot only. With limited sources of the Nagar Palika Parishad, the 100% successful work of collection from door to door, segregation and disposing of the organic and abiotic waste is going on. The 24 metric tonne waste is generated every day in the area of Nagar palika Parishad, out of which 12.7 metric tonne organic and 11.3 metric tonne is inorganic is being received, the disposal of the same is being done by the local body on its own land.

B. That there is no forest land available with Nagar palika Parishad, Pithoragarh for disposal of the waste. In continuation of G.O. No. 2287/XVII/2014-18 (146)/2014 dated 14.10.2014 of the Revenue Department, Government of Uttarakhand, according to the order No. 1073(1)/Seven/17/2011-12 dated 20.10.2014 of District



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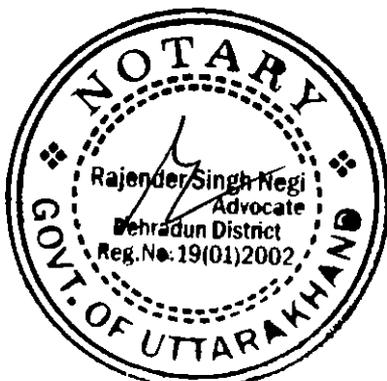
Magistrate, Pithoragarh and there is 0.750 hectare Bazar Kabil Abad land situated in Village Vipul, Patti-Jivi, Tok Nainipatal, Tehsil and District Pithoragarh and available is registered in the name of Urban Development Department. The same land is being used for the disposal of the waste.

There is no residential area nearby the disposal site and there is no natural water source situated nearby the disposal site. Due to slope in area of the land, the Nagar Palika Parishad have constructed the permanent wall of stone for stopping the spreading of the waste. The village Vipul is situated about 2 k.m. from the site in question, for security of this village, the security wall have been established and for providing the drinking water, the water pipe line of the drinking water has been laid, the same is being used by the villagers, in addition to the same the pesticide is spread from time to time for safety and hygiene of the villagers. There is no harm of any kind to the villagers due to the waste.

6. That the present Status Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed on behalf of State of Uttarakhand for kind perusal of this Hon'ble Tribunal. Mrs

DEPONENT

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.

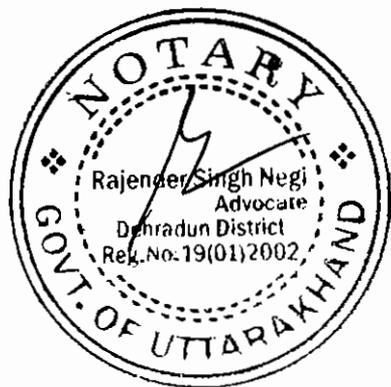
Verified by me at Dehradun, Uttarakhand on this 2/7/21 day of July, 2021.

This affidavit is sworn before me by Shri. Vinod Kumar Sharma DEPONENT who is identified by Shri. Rajender Singh Negi at Dehradun on 23/3/21 xxxx

Rajender Singh Negi
(Rajender Singh Negi)
Advocate & Notary, Dehradun

Rahul Verma
[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondent
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Mayur Vihar Phase-I,
Delhi-110091
Mobile No. 9717706032
Email- advrahulverma9999@gmail.com



17
ANNEXURE-1

Item No. 09

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 168/2019

(With report dated 02.03.2021)

Ramesh Chandra Kapri

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 16.04.2021

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

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand

ORDER

1. Grievance in this application is against unscientific dumping of solid waste on forest land. Vide order dated 15.04.2019, a factual and action taken report was sought from the District Magistrate and the District Forest Officer, Pithoragarh. The report filed on 12.09.2019 is to the effect that proposal for preparing DPR is pending with the Administration. It is further stated that bio-degradable garbage is being buried in the dump yard and non-degradable is being separated and sent to Encholi, 10 kms away from the dumping yard through a contractor. The report shows unsatisfactory state of affairs in violation of mandate of Solid Waste Management Rules, 2016.

2. The matter was considered on 26.06.2020 in the light of the report dated 17.10.2019 and the Tribunal found as follows:-

"2. Accordingly, a further report has been filed by the Secretary, Urban Department, State of Uttarakhand inter alia stating as follows:

"5. That in compliance of Solid Waste Management Rules, 2016, DPR costing Rs.636.99 Lakh was prepared and approved by State Government and Central Government and the status of the same is as follows:-

- I. That (35% share of Rs.222.95 Lakhs) by Central Government was approved and Rs.111.47 Lakh is released to State Government by Government of India vide letter No.1/18/2015-SBM, dated 19.9.2019.
- II. That the request had already been sent by the Directorate of Urban Development to the State Government vide letter No.3050/4/2015-16 (Vol-H) dated 18.10.2019.
- III. That funds shall be released soon from State Government and accordingly tender process shall be initiated by the Nagar Palika Parishad, Pithoragarh.
- IV. That as soon as tenders process is completed regarding the work of Solid Waste Management Plant, Pithoragarh, and will be functional and operational prepared till 31-03-2021."**

3. Though it is stated that the waste management plant will be functional 31.03.2021, nothing is mentioned about the allegation of dumping of garbage in forest. It has to be ensured that the dumping of garbage does not take place in forest land as alleged.

4. Let further action be taken and progress report as on 31.10.2020 be filed by 15.11.2020 at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

3. Accordingly, status report has been filed by the State of Uttarakhand on 02.03.2021 giving the status of compliance as follows:-

Sr. No.	Related to Detailed Project Report/DPR of SWM, Pithoragarh	Status
1	As per SWM Rules, 2016, DPR Costing Rs. 636.99 Lakh prepared and approved by State Government and	1. Central Government's Share of 35% of Rs. 222.95 Lakh approved and Rs. 111.47 lakh released to State Government by Government of India vide letter no. 1/18/2015-SBM, dated

	Central Government.	<p>19.9.2019.</p> <ol style="list-style-type: none"> 2. Request sent to State Government from Urban Development Directorate vide letter no. 3050/4 /2015-16 (Vol-II), Dt: 18.10.2019. 3. As per directions of Finance Department, Govt of Uttarakhand, the DPR is revised as per Delhi Schedule of Rate (for short DSR Rates) of 2018 and the same has been sent to Govt. of Uttarakhand on Dt: 22-12-2020 for release of funds. 4. Soon funds shall be released from State Government and accordingly tender process shall be initiated by the Nagar Palika Parishad, Pithoragarh.
2	Activities related to Plastic Ban and implementation of "Uttarakhand Anti Littering and Anti Spitting Act, 2017".	<ol style="list-style-type: none"> 1. Total 185 Challan and time of Rs. 2.29 Lacs recovered for "Plastic Ban" violators. 2. 232 Challan and Rs. 1.19 Lacs recovered as fine from violators, as per the provisions of "Uttarakhand Anti Littering and Anti Spitting Act 2017".
3	Present Status of Solid Waste Management in Pithoragarh.	<ol style="list-style-type: none"> 1. Total Population of Pithoragarh is 65502 as per 2011 Census, 12.19 sq. km is the Urban Area and there are 20 Wards and total waste generation is 28 MTPD (Metric Ton Per Day) and 6 MTPD is being processed using OWC (Organic Waste Converter Machine), Plastic Compactor, and by 12 decentralized Organic Pits. 2. There are total 14954 households and 1763 Commercial /Shops / Institution, total 16717, and 100% door to door collection is being done in 16717 households and shops. Around 50% source segregation is also being done. 3. 0.75 Hec land has been arranged in Nainipatal by Nagar Palika Parishad, Pithoragarh for SWM treatment and disposal purpose and the revenue land has been transferred to NPP Pithoragarh for SWM treatment and disposal purpose. 4. At present ULB is disposing MSW

		<p>using 3 No Auto Tipper, 02 Pickup Van, 01 Tipper Truck with the help of 200 Sanitation Staff.</p> <p>5. Plastic is being Segregated from MSW and is being Compacted using Plastic Compactor, about 13 Ton of Compacted Plastic has been disposed.</p> <p>6. Segregated Vegetable/fruits waste/ Organic Waste is being disposed using OWC (Organic Waste Converter) of capacity 1 Ton per day and rest is being disposed on the disposal side. Compost prepared using above machine is being utilized by Nagar Palika Parishad Pithoragarh in their own parks and ground.</p> <p>7. Implementation is proposed within 9 months after release of funds, as per the above approved DPR by outsourcing different technical activities.</p> <p>8. 3 separate vehicles are engaged for IEC activities related to SWM for "Source segregation and Door to Door collection".</p> <p>9. Regular directions/orders are being issued from Urban Development Directorate, Uttarakhand to all the ULBs (including Nagar Palika Parishad, Pithoragarh) for implementation of SWM Rules 2016, Rule 22 as per the directions passed by Hon'ble National Green Tribunal passed in OA No. 606/2018.</p>
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4. From the above, it is seen that even though there is continued violation of Solid Waste Management Rules, 2016 including the timelines laid down as well as specific order of this Tribunal dated 28.02.2020 in O.A. No. 606/2018 requiring crediting of compensation for damage to the environment on account of delay in taking action, the compliance thereof is not shown. The said direction is reproduced below for ready reference:

"1to40...xxx.....xxx.....xxx

41. In view of above, consistent with the directions referred to in Para 29 issued on 10.01.2020 in the case of UP, Punjab and

Chandigarh which have also been repeated for other States in matters already dealt with, we direct:

- a. **In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs /PCCs in the light of Para 33 above within six months from today. CPCB may prepare a template and issue an appropriate direction to the State PCBs/PCCs for undertaking such an assessment in the light thereof within one month.**
- b. **Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28¹ even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places and delay in clearing legacy waste is causing huge damage to environment in monetary terms as noted in para 33 above, pending assessment and recovery of such damage by the concerned State PCB within four months from today, continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will**

¹ The Chief Secretaries may ensure allocation of funds for processing of legacy waste and its disposal and in their respective next reports, give the progress relating to management of all the legacy waste dumpsites. Remediation work on all other dumpsites may commence from 01.11.2019 and completed preferably within six months and in no case beyond one year. Substantial progress be made within six months. We are conscious that the SWM Rules provide for a maximum period of upto five years for the purpose, however there is no reason why the same should not happen earlier, in view of serious implications on the environment and public health.

result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal. Final compensation may be assessed and recovered by the State PCBs/PCCs in the light of Para 33 above within six months from today.

- c. Further, with regard to thematic areas listed above in para 20, steps be ensured by the Chief Secretaries in terms of directions of this Tribunal especially w.r.t. plastic waste, bio-medical waste, construction and demolition waste which are linked with solid waste treatment and disposal. Action may also be ensured by the Chief Secretaries of the States/UTs with respect to remaining thematic areas viz. hazardous waste, e-waste, polluted industrial clusters, reuse of treated water, performance of CETPs/ETPs, groundwater extraction, groundwater recharge, restoration of water bodies, noise pollution and illegal sand mining.
- d. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:
- i. Interim measures for phytoremediation/ bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.
 - ii. Commencement of setting up of STPs - 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No.

593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.

- iii. **Commissioning of STPs - 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.**
- e. **Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries of the States/UTs.**
- f. **An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.**
- g. **Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB."**

5. Vide order dated 14.12.2020 in O.A. No. 606/2018, *Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues*, further direction issued is as follows:-

"1to8...xxx.....xxx.....xxx

9. **The compensation in terms of earlier order be recovered and credited to a separate account with the Environment Department of the States/UTs to be used for restoration of environment in the concerned States/UTs. The deposit, instead of being made with the CPCB, may now be made to the said account."**

6. The report is incomplete as it is not clear whether there dumping of solid waste is in forest land or elsewhere and how the waste is handled. The new proposed site needs to be developed in an integrated manner to have adequate capacity for waste processing and for material recovery. There is also no mention of legacy waste stored. SPCB may

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technically assist the local body and ensure complete report is filed before next date of hearing.

7. The order of the Tribunal is binding as a decree and violation is also criminal offence under section 26 of the NGT Act, 2010. It is a matter of regret that in the State of Uttarakhand there is rampant violation of directions of this Tribunal as shown by the report in present case as well as in EA No. 22/2020 and O.A. No. 144/2019 listed today. This is hardly conducive to the Rule of law and protection of public health.

8. Accordingly, we direct the Chief Secretary of Uttarakhand to ensure that remedial action is taken, which may include compliance of rules, recovery of compensation and coercive action against erring officers.

List for further consideration on 06.08.2021.

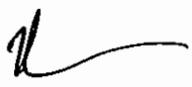
A copy of this order be forwarded to the Chief Secretary, Uttarakhand and State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

April 16, 2021
Original Application No. 168/2019
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