

**BEFORE THE NATIONAL GREEN TRIBUNAL,**  
**CENTRAL ZONE BENCH, BHOPAL**  
**ORIGINAL APPLICATION NO. 52/2021**

**Manish Sharma..... Applicant**

**Versus**

**State of MP.....Respondent**

**ACTION TAKEN REPORT IN COMPLIANCE TO ORDER DATED 06.01.2022 BY**  
**MADHYA PRADESH POLLUTION CONTROL BOARD**

1. That, the instant case has been filled by the applicant regarding the alleged discharge of untreated sewage effluent in the basin of the Shakkar River and Sita Reva River by Respondent No. 5, degrading the water quality of the river and adversely affecting the agricultural land and public health.
2. That, as per the directions issued by Hon'ble Tribunal on 28.07.2021, inspection was conducted on 28.08.2021 by the committee and submitted its report on 14.09.2021, same has been on record. Further, the Hon'ble Tribunal vide its order dated 24.09.2021 directed the answering respondent to take necessary action with regard to the imposition of environment compensation; same has been submitted on 22.11.2021.
3. That, the compensation regime for non-compliance of MSW Rules has already been laid down by the Hon'ble Tribunal, Principal Bench, in OA no. 606/2018(PB), "Compliance of Solid Waste Management Rules, 2016. The same has been adopted by MPPCB and Environmental Compensation liable to be levied upon the defaulting ULBs has been computed accordingly and it includes Nagar Palika Parishad, Gadardwara.
4. That, The computation and levying of EC is being done on six-monthly basis after the verification of compliance, the environment compensation was imposed on Nagar palika parishad, Gadarwara for non- compliance of MSW Rules 2016 from the month of July 2020 - December 2020 is Rs 66 lakh , from the month of January 2021 - June 2021 is Rs 186 lakh in total Rs 252 lakh, same has been on record.
5. That , an inspection was conducted on 12.01.2022 by the Regional Officer, Jabalpur and since no further compliance has been done, environmental compensation of Rs. 246 lakh (Rs. 2,46,00,000) has been proposed to be imposed on Nagar Palika Parishad, Gadardwara (by Regional Officer) for non- compliance of MSW Rules 2016 from the month of July 2021-

December 2021. Copy of Inspection report enclosed as **(Annexure-1)**. The State Pollution Control Board issued the notice for imposing the Environmental Compensation for six months i.e. July 2021- December 2021**(Annexure-2)**.

6. The Hon'ble Tribunal may kindly be pleased to take the aforesaid action taken report on record.

Date- 07.03.2021

Place- Bhopal

Humble Respondent

MPPCB



Through Counsel

**Inspection Report By Regional Office Jabalpur  
(July 2021 to Dec 2021)**

- **Name of ULB** - Nagar Palika Parishad Gadarwada
- **Population** - 50509 (As per 2011)
- **Name, Designation & Address of Incharge of ULB** - Shri A.P. Singh Gaharwar, CMO  
Nagar Palik Parishad Gadarwada
- **Name, Designation & Address of Incharge of Facility** - Shri Sanjay Shriwas, Sanitary Incharge  
Nagar Palik Parishad Gadarwada
- **Name & Designation of ULB officer present during inspection** - Shri Yogesh Anerao, Sub Engineer  
Nagar Palik Parishad Gadarwada

**Part A - Compliance status of MSW Rules 2016 - Rule (22) from Serial No. 1 – 10**

S. No.	Description	Compliance Status	
		Yes	No
1	Identification of suitable sites for setting up solid waste processing facilities	Yes	-
2	Identification of suitable sites for setting up common regional sanitary landfill facilities for suitable clusters of local authorities under 0.5 million population and for setting up common regional sanitary landfill facilities or stand alone sanitary landfill facilities by all local authorities having a population of 0.5 million more.	-	No
3	Procurement of suitable sites for setting up solid waste processing facility and sanitary landfill facilities.	-	No
4	Enforcing waste generations to practice segregation of bio degradable, recyclable, combustible, sanitary waste domestic hazardous and inert solid wastes at source,	Yes	-
5	Ensure door to door collection of segregated waste and its transportation in covered vehicles to processing or disposal facilities.	Yes	-
6	Ensure separate storage, collection and transportation of construction and demolition wastes	Yes	-
7	Setting up solid waste processing facilities by all local bodies having 100000 or more population	-	-
8	Setting up solid waste processing facilities by local bodies and census towns below 100000 population.	-	No
9	Setting up common or stand alone sanitary landfills by or for all local bodies having 0.5 million or more population for the disposal of only such residual wastes from the processing facilities as well as untreatable inert wastes as permitted under the Rules	-	No
10.	Setting up common of regional sanitary landfills by all local bodies and census towns under 0.5 million population for the disposal of permitted waste under the rules	-	No

<b>Part B - Remediation of legacy waste</b>	
(i) Number of Dump sites containing legacy waste existing in ULB as on <b>1-7-21</b>	Nil
(ii) Location of each Dumpsite 1- Near Samasanghat Dump Site	Latitude 22.9293 Longitude 78.7804
(ii) Quantity of legacy waste deposited in each dump site (MT)	Nil
(iv) Status of remediation completed in each dump sites between <b>1-7-21 and 31-12-21 (Provide completion Date for each site)</b>	Nil

**Part C- In-situ-phytoremediation / bio-remediation of drains**

<b>S. No.</b>	<b>Description</b>	<b>Information to be provided by Regional Officer</b>
(i)	Number of Drains meeting water bodies (Name of drains/Nallah if any)	04 1- Ladaiya Nala 2-Oshodham Nala 3-Chidavghat Nala 4- Mataward Nala Meeting to sakkar River
(ii)	In-situ-bio-remediation system required on drains (Please provide Nos.)	04
(iii)	Drains where in-situ-bioremediation have been started till <b>30.6.21</b> (Please provide Nos.)	00
(iv)	Remaining Drains where in-situ-bioremediation had not been started till <b>30.6.21</b> (Please provide Nos.) (ii minus iii)	04
(v)	Drains on which in-situ-bioremediation started between <b>1-7-21 and 31-12-21 (Provide commencement Date for each drain)</b>	00
(v)	Drains where in-situ-bioremediation have not been started by <b>31.12.21</b> (Please provide Nos.)	04

**Part D-Status of STPs**

<b>S. No.</b>	<b>Description</b>	<b>Information to be provided by Regional Officer (Provide numbers and capacities in MLD of each one)</b>
(i)	Number of STPs required in the ULB	02
(ii)	Number of STPs operationalised till <b>30.6.21</b>	00
(iii)	Remaining STPs for construction/ operationalization as on <b>30-6-21</b> (i minus ii)	00
(iv)	No of STPs which are operationalised between <b>01.07.21 to 31.12.21 (Provide commencement Date for each STP &amp; its capacity)</b>	00
(v)	Number of STPs remaining which are yet to be constructed/operationalised in ULB after <b>31.12.21</b> (iii minus iv)	00

**Nagar Palika Parishad Gadarwada**  
**Total Environmental Compensation on ULB (To be calculated from July 2021 to December 2021)**

S. No.	Description	Amount in Lakh
A	Non Compliance of MSW Rules 2016 - Rule (22) from serial No. 1-10 (Compensation as per part A of Annex. I as per ULB population)	06
B	(i) Remediation of entire Legacy Waste dump site(s) from ULB not been completed till 31-12-21 (Compensation as per part B of Annex. I as per ULB population for 6 months)	Nil
	OR	Nil
C	(i) In-situ-bio-remediation – of the drains where in situ-bio-remediation have not been started by 31.12.21 (Compensation as per part C of Annex. I @ Rs. 5 lakh/drain/month for 6 months)	(i) 120
	AND	(ii) Nil
	(ii) In-situ-bio-remediation – of the drains where in situ-bio-remediation have been started between 01.07.21 to 31.12.21 (Compensation as per part C of Annex. I @ Rs. 5 lakh/drain/month <u>to be calculated for the period of non compliance in months for each drain</u> )	TOTAL:
D	(i) Non constructed/non operationalised STPs by 31.12.21 (Compensation as per part D of Annex. I @ Rs. 10 Lakhs/STP/Month for 6 months)	(i) 120
	AND	(ii) Nil
	(ii) Operationalisation of STPs between 1.7.21 to 31.12.21 (Compensation as per part D of Annex. I @ Rs. 10 Lakhs/STP/Month <u>to be calculated for the period of non compliance in months for each STP</u> )	TOTAL:
<b>GRAND TOTAL COMPENSATION:</b>		<b>246</b>

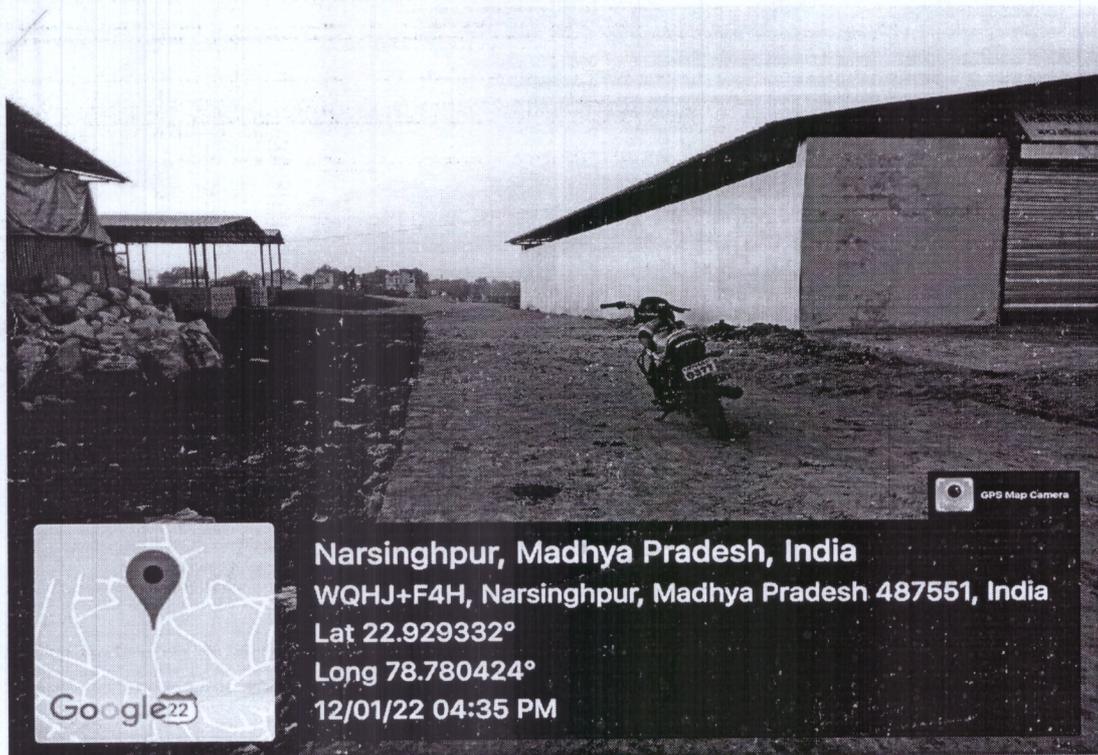
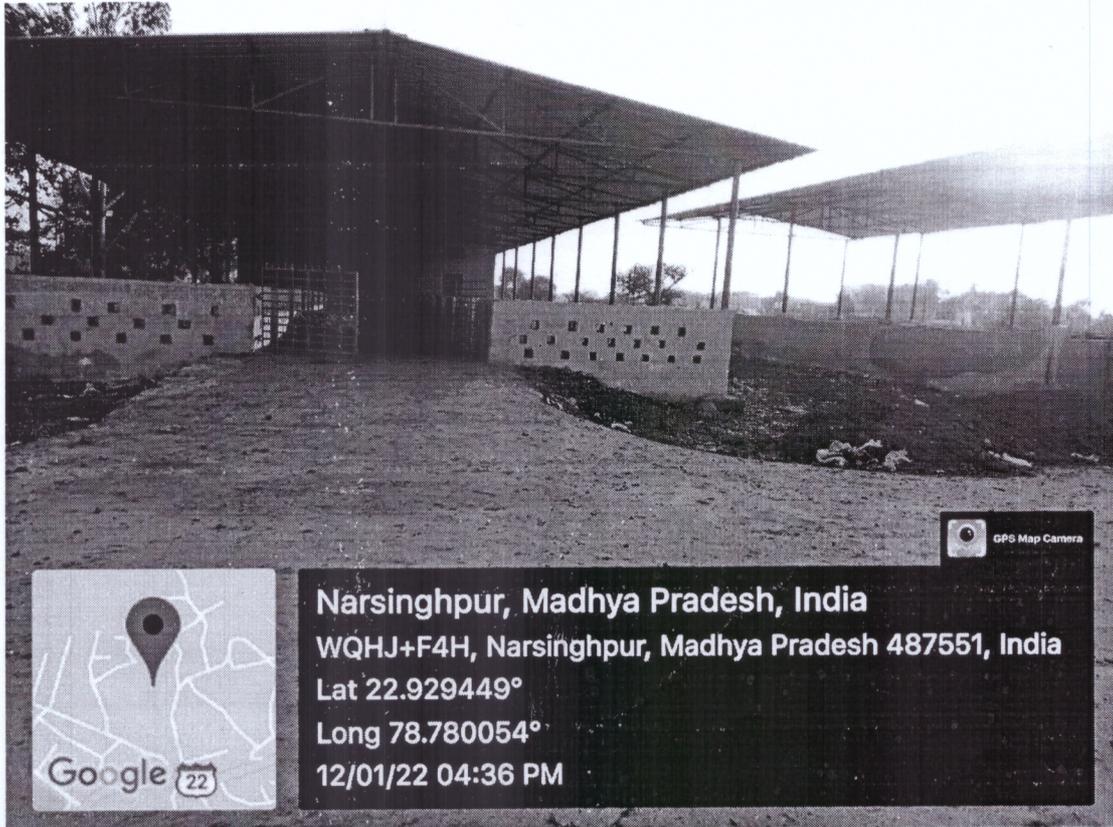
Date of Inspection: - 12/01/2022

Name & Signature of Inspecting Officer: - Dr  Khare, Scientist

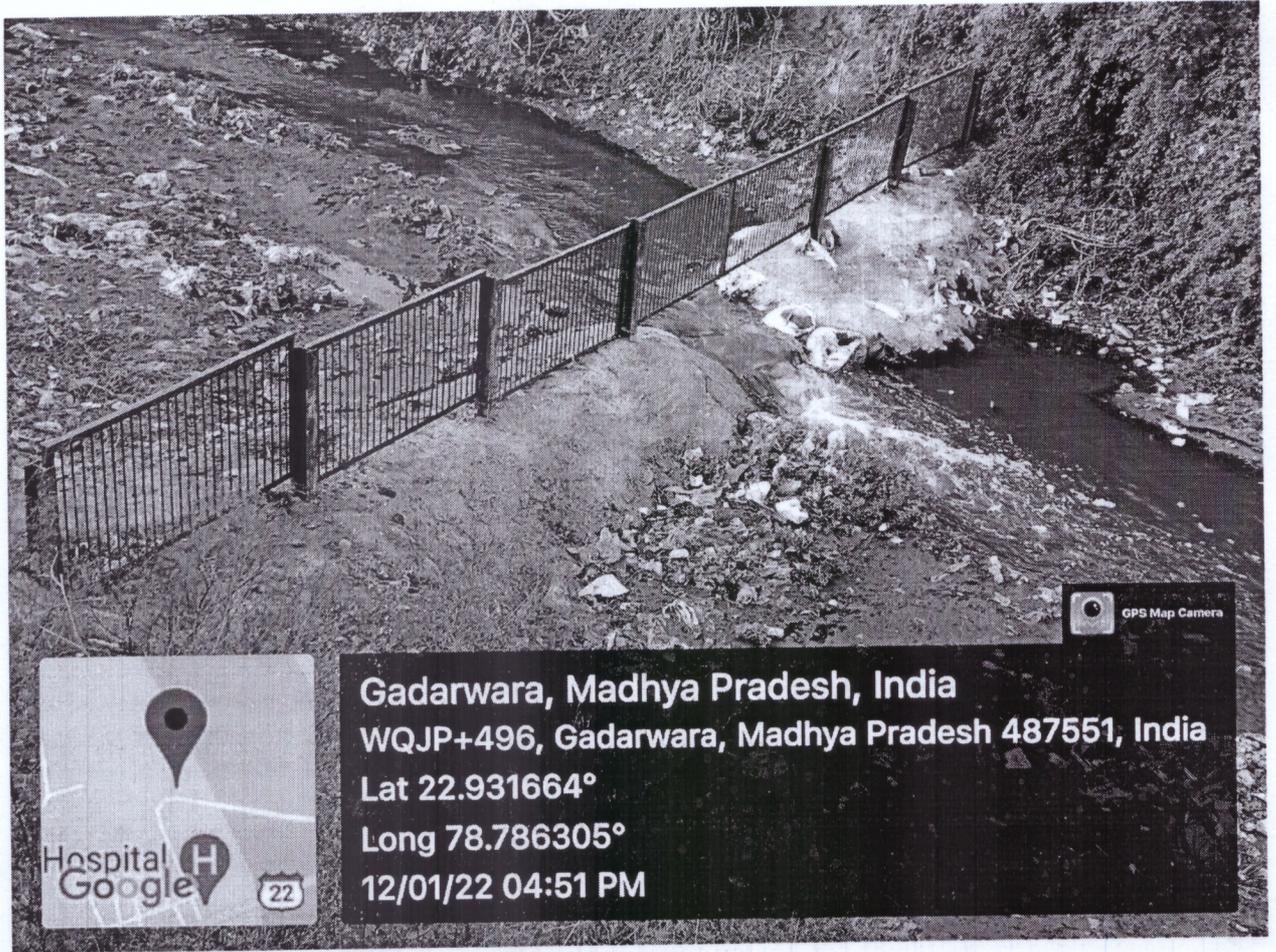
I hereby approve the above said facts of the inspection report.

  
**Regional Officer**  
 (Name & Signature with seal)

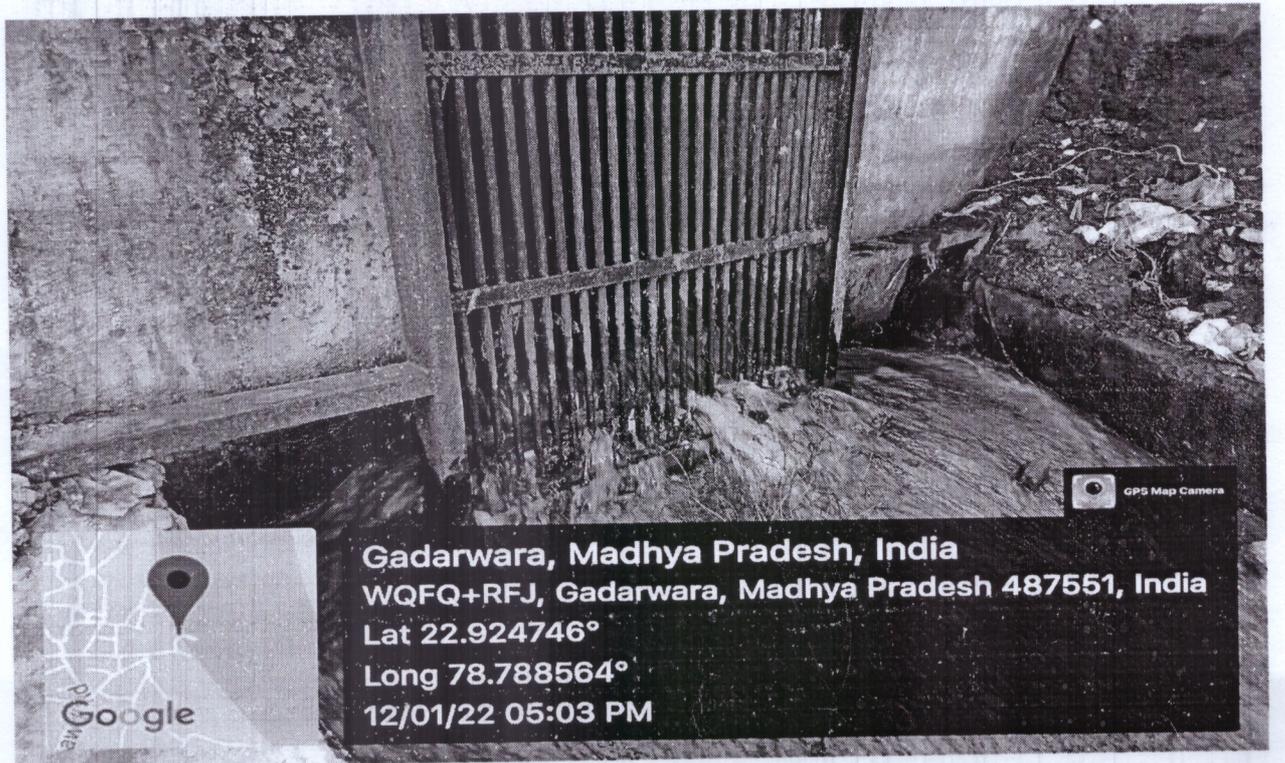
# Photograph Taken During Inspection MRF Facilities & Dumping Site



**Chidavghat Nala**



**Chidavghat Nala**





GPS Map Camera



**Gadarwara, Madhya Pradesh, India**

WQGQ+P6J, Patel Ward, Gadarwara, Madhya Pradesh 487551, India

Lat 22.926385°

Long 78.78821°

12/01/22 04:59 PM



GPS Map Camera



**Gadarwara, Madhya Pradesh, India**

WQJP+496, Gadarwara, Madhya Pradesh 487551, India

Lat 22.931664°

Long 78.786305°

12/01/22 04:51 PM



# MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, BHOPAL - 462 016

{0755} 2464428, 2466191 Fax : {0755} 2463742 e-mail: [mpppcb18@gmail.com](mailto:mpppcb18@gmail.com)

No. 436/MSW/HOPCB/2022

Bhopal, Date: 03/12/2022

To,

The Chief Municipal Officer,  
Nagar Palika Parishad,  
Gadarwara,  
Distt.- Narsinghpur (M.P.)

Sub: Execution of the directions passed by Hon'ble National Green Tribunal dated 06/01/2022 in O.A. 52/2021 (CZ) Manish Sharma vs. State of MP for imposing Environment Compensation.

- Ref: 1. NGT orders dated 25.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018 "Compliance of Municipal Solid Waste Management rules, 2016".  
2. This office letter No. 174/MSW/HOPCB/2021 Bhopal Dated 24/12/2021  
3. NGT order dt. 06/01/2022 in O.A. 52/2021 (CZ) Manish Sharma Vs. State of MP & Org.  
4. This office letter No. 156/MSW/HOPCB/2021 Bhopal Dated 12/01/2022

WHEREAS MP Pollution Control Board (MPPCB) is a statutory body constituted under section 4 of the Water (Prevention & Control of Pollution) Act, 1974 and has been entrusted with the responsibilities of enforcement of the Environment Laws in the State.

WHEREAS, the power to issue directions under section-5 of the Environment (Protection) Act, 1986 has been delegated to the Chairman, MPPCB vide notification dated 10.04.2001.

WHEREAS, you are the Nagar Palika Parishad and it is the mandatory duty of Urban Local Bodies/ Cantonment Board to comply with the Solid Waste Management Rules, 2016, as well as management & treatment of sewage of the town & to protect the natural water bodies from pollution.

WHEREAS, you have not obtained authorization as per the provision of Solid Waste Management Rules, 2016 from the MPPCB.

WHEREAS, in OA No. 606/2018, "Compliance of Solid Waste Management Rules, 2016 and other environment issues", Hon'ble National Green Tribunal, Principal Bench, New Delhi has directed on 17/01/2020 & 25/02/2020 that :-

1. After 31.03.2020 failure to comply with Rule 22 of SWM Rules, from Serial No. 1 to 10, every local body shall be liable 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.
2. 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 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.
3. Commencement of setting up of STPs by 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/State (in terms of orders dt 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.
4. Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies shall be undertaken by 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.

5. Commissioning of STPs by 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.

WHEREAS, State PCB has been directed by NGT vide order dated 28.02.2020 to assess and recover the amount of compensation liable to be paid by the Urban Local Bodies on the basis of above criteria.

WHEREAS, NGT vide its order dated 14/12/2020 has extended the time line for levy of compensation from 01/04/2020 to 01/07/2020 and 01/04/2021 to 01/07/2021.

WHEREAS, MPPCB vide this office letter No. 174 dt. 24/12/2021 has already directed you to pay Environment Compensation of Rs.66 Lakhs for period of violation from 01.07.2020 to 31.12.2020 & vide office letter No. 156 dt. 12/01/2022 has also directed you to pay Environment Compensation of Rs.246 Lakhs for period of violation from 01.07.2021 to 31.12.2021 within 15 days from the date of issue of the directions, in the P.D. account number 051/1121/2109 of Additional Secretary, Environment Department in Vindhyachal Treasury, Vindhyachal Bhawan Bhopal.

WHEREAS Hon. NGT in its order dated 06/01/2022 in O.A. 52/2021 has directed the State PCB to take necessary action for the realisation of the pending environment compensation for the continuing violation of environmental rules and till Dec. 2021.

WHEREAS, as per inspection dated 12.01.2022 carried out by Regional Office, MPPCB, Jabalpur, it is observed that you have not complied with the tasks & timelines given by the Hon'ble NGT for period 01.07.2021 to 31.12.2021 as per details given below :-

Non Compliance									
ULB Name	District	Rule 22of SWM Rules 2016		Legacy Waste disposal Compensation (Rs In lakh)	Bioremediation of Drains		Commencement of STP installation		Total (Rs In lakh)
		S.No of Non Compliance	Compensation (Rs In lakh)		No of Drains	Compensation (Rs In lakh)	No of STPs	Compensation (Rs In lakh)	
Gadarwara	Narsinghpur	2, 3, 8, 10	6	0	4	120	2	120	246

You are hereby further directed to pay Environment Compensation of Rs.246 Lakhs for period of violation from 01.07.2021 to 31.12.2021, along with the earlier amount of environmental compensation of Rs. 66 lakhs & Rs. 186 lakhs, totaling Rs.498 lakhs, within 15 days from the date of issue these directions, in the P.D. account number 051/1121/2109 of Additional Secretary Environment Department in Vindhyachal Treasury, Vindhyachal Bhawan Bhopal.

This issues with the approval of the competent authority. Kindly acknowledge the receipt of this letter.

For and On Behalf of  
M.P. Pollution Control Board

(A.A.Mishra)

Member Secretary

Copy to :-

- 1- Principal Secretary, Urban Development & Housing Department, Govt. of MP, Mantralaya, Vallabh Bhawan, Bhopal, the copy of the NGT order is attached herewith. You are requested to direct the Local Body to deposit the environmental compensation of Rs. 498 Lakhs as mentioned here in above.
- 2- The Commissioner, Urban Administration and Development Department, Palika Bhawan, Shivaji Nagar, Bhopal for information & necessary action to ensure the compliance of NGT order please.
- 3- Collector, Narsinghpur (M.P.) for information and necessary action for realisation of total amount of environmsentation Rs. 498 Lakhs from the Nagar Palika Parishad Gadarwara at the earliest.
- 4- The Regional Officer, M. P. Pollution Control Board, Jabalpur for information & necessary action please.