

7

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

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF  
STATE OF UTTARAKHAND IN COMPLIANCE OF  
ORDER DATED 17.10.2019 PASSED BY THIS HON'BLE  
TRIBUNAL IN THE ABOVEMENTIONED MATTER

P A P E R - B O O K

<u>SRL.</u>	<u>PARTICULARS</u>	<u>INDEX</u>	<u>PAGES</u>
1.	Report by way of Affidavit on behalf of State of Uttarakhand in compliance of order dated 17.10.2019 passed by this Hon'ble Tribunal		8-12
2.	<u>ANNEXURE R-1</u> : A true copy of the order dated 17.10.2019 passed by this Hon'ble Tribunal.		13-14

Note:- No need to serve the report upon other side as the Hon'ble Tribunal was pleased to direct to file the report directly.

Filed by:

*Rahul-Verma*

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand  
/Respondent

137, Tower No.10, Supreme Enclave,  
MayurVihar Phase-I,  
Delhi-110091

Mobile No. 9717706032

Email- [advrahulverma9999@gmail.com](mailto:advrahulverma9999@gmail.com)



*R*

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

REPORT BY WAY OF AFFIDAVIT ON BEHALF OF  
STATE OF UTTARAKHAND IN COMPLIANCE OF  
ORDER DATED 17.10.2019 PASSED BY THIS HON'BLE  
TRIBUNAL IN THE ABOVEMENTIONED MATTER

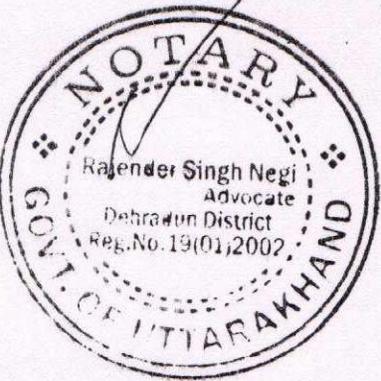


I, Shailesh Bagauli S/o Shri Narayan Dutt Bagauli aged about 42 years, presently posted as Secretary, Department of Urban Development, Government of Uttarakhand, Secretariat, 4, Subhash Road, Dehradun, Uttarakhand, do hereby solemnly affirm on oath and state as under:

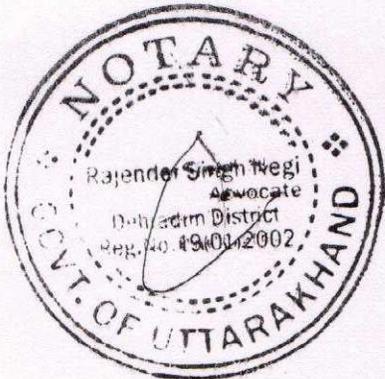
1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent and duly authorised to file present Report by way of Affidavit on behalf of State of Uttarakhand.
2. That this Hon'ble Tribunal vide its order dated 15.04.2019 passed the following directions:-

*"Allegation in this letter, which has been treated as an application, is that there is dumping of solid waste on the forest land at Village Sirar, P.O. Nainipatal, Tehsil & District Pithoragarh, Uttarakhand resulting in pollution all around and affecting the health of the inhabitants.*

*Let the District Magistrate and the District Forest Officer, Pithoragarh look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at*



nqt.filing@gmail.com. The nodal agency will be the DFO, Pithoragarh for compliance and coordination.



A copy of this order, along with complaint, be sent to the District Magistrate and the District Forest Officer, Pithoragarh, Uttarakhand by e-mail for compliance.

Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.

List for further consideration on 31.07.2019."

3. That, thereafter, the matter came up for hearing before this Hon'ble Tribunal on 17.10.2019, this Hon'ble Court vide its order dated 17.10.2019 was pleased to pass the following directions:-

"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.

Let the Secretary, Urban Development, Uttarakhand look into the matter and take remedial action and furnish a report within one month by email at judicial-nqt@gov.in.

10

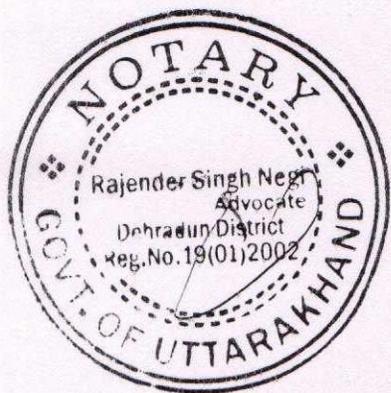
A copy of this order be sent to the Secretary, Urban Development, Uttarakhand by email.

List for further consideration on 02.01.2020."

A copy of order dated 17.10.2019 is annexed herewith and marked as ANNEXURE R-1.

4. That in compliance of the abovementioned directions passed by this Hon'ble Tribunal vide its order dated 17.10.2019, the present report by way of Affidavit is being filed:-

- I. That total population of Pithoragrah is 65,502 as per 2011 Census, 12.19 km is the Urban Area and there are 20 wards and total waste generation is 30 MTPD (Metric Ton per day).
- II. That there are total 14954 households and 1763 commercial / Shops/ Institution, (total 16717). 100 % door to door collection is being at done 15150 households and shops. Around 50% source segregation is also being done.
- III. That 0.75 Hec. land has been arranged in Nainipatal by Nagar PalikaParishad, Pithoragarh for SWM treatment and disposal purpose.
- IV. That at present the Nagar PalikaParishad, Pithoragarh is disposing MSW using 3 Auto Tipper, 02 Pickup Van, 01 Tipper Truck with the help of 200 Sanitation Staff.
- V. That plastic is being segregated from MSW and is being compacted using Plastic Compactor, about 9 Ton of Compacted Plastic has been disposed.



12

VI. That Segregated Vegetables/ fruits waste/ Organic Waste is being disposed using Organic Waste Converter) of 1 Ton per day Capacity and rest is being disposed on the disposal site. Compost prepared using above machine is being utilized by Nagar .PalikaParishad, Pithoragarh in their own parks and grounds.

VII. That implementation is proposed within 9 months after release of funds, as per the approved DPR by outsourcing different technical activities.



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-II) dated 18.10.2019.
- III. That funds shall be released soon from State Government and accordingly tender process shall be initiated by the Nagar PalikaParishad, Pithoragarh.

A handwritten signature in black ink, appearing to be a stylized 'R' or similar character.

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.

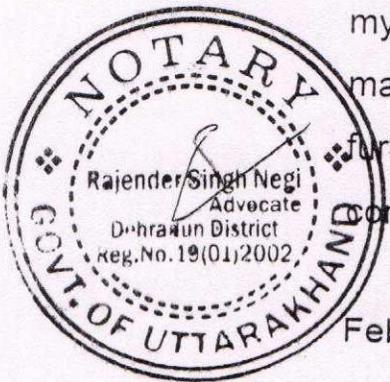
6. That the present Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed kind perusal of this Hon'ble Tribunal.

*[Signature]*  
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 29<sup>th</sup> day of February, 2020.



*[Signature]*  
DEPONENT

Filed through:

20257/20  
This affidavit sworn before me by  
Shri *[Signature]*  
who is identified by Shri ..  
at Dehradun on ..

(Rajender Singh Negi)  
Advocate & Notary, Dehradun  
*[Signature]* 2020

*[Signature]*  
[RAHUL VERMA]  
Additional Advocate General for State of Uttarakhand  
/Respondent

137, Tower No.10, Supreme Enclave,  
MayurVihar Phase-I, Delhi-110091  
Mobile No. 9717706032  
Email- [advrahulverma9999@gmail.com](mailto:advrahulverma9999@gmail.com)

*[Signature]*

13  
ANNEXURE R-1

Item No. 04

Court No. 1

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

Original Application No. 168/2019

(With report dated 12.09.2019)

Ramesh Chandra Kapri

Applicant(s)

Versus

State of Uttarakhand

Respondent(s)

Date of hearing: 17.10.2019

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

For Respondent(s): Dr. SD Singh, IFS

**ORDER**

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.

14

Let the Secretary, Urban Development, Uttarakhand look into the matter and take remedial action and furnish a report within one month by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

A copy of this order be sent to the Secretary, Urban Development, Uttarakhand by email.

List for further consideration on 02.01.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 17, 2019  
Original Application No. 168/2019  
AK



*AK*  
11TRUB Copy 11