

**Status cum Progress Report of the Joint Committee in the Matter of Original Application No. 278 of 2022; Gram Panchayat of Bhontawali Village Versus Union of India & Ors. in compliance to the orders of Hon’ble National Green Tribunal dated December 14, 2023.**

**1. Background and Orders of Hon’ble National Green Tribunal:**

The matter is related to the grievance of the inhabitants of Bhontawali Village, District Sirmour, Himachal Pradesh against the waste disposal facility located at Kedarpur, Paonta Sahib, Distt. Sirmour.

Hon’ble National Green Tribunal vide order dated 14/12/2023 (**Annexure-1**) observed and directed as follows:

*“In view of the factual information provided by the respondents in the replies/reports filed, we are of the view that the progress has been extremely slow which is affecting the environment and the people adversely. Hence, we constitute a committee consisting of Senior Scientist from MoEF Regional Office Chandigarh and a nominee from Central Pollution Control Board. The above committee will be assisted by the State Pollution Control Board. The committee shall visit the site, examine the issues, interact with the relevant affected parties, examine the measures taken by the authorities and submit the status report with recommendations”*

**2. Status cum Progress Report with regard to Compliance of the Orders of Hon’ble NGT by the Joint Committee:**

The following are the status and progress made by the Joint Committee in compliance to the directions of Hon’ble National Green Tribunal in this matter:

- i. The Joint Committee was constituted comprising of Dr. Anup Kumar Das, Scientist ‘B’, MoEF&CC, Sub Regional Office, Shimla (Regional Office, Chandigarh) and Dr. Narender Sharma, Scientist ‘F’, CPCB, Regional Directorate, Chandigarh.
- ii. The Joint Committee visited the site on January 18, 2024, interacted with the affected parties and other stakeholders (Attendance sheet attached as **Annexure-2**) and examined the issues raised by the affected parties. The Joint Committee also examined the measures taken by the concerned authorities.
- iii. The Joint Committee requested relevant documents from State Pollution Control Board, Municipal Council, Paonta Sahib to examine the reasons

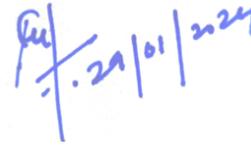
behind gaps observed during site visit and make recommendations for implementation of required remedial measures.

- iv. The Regional Officer, HPPCB and his team had assisted the Joint Committee during the site visit. He has been requested for his assistance in arranging the requisite documents.
- v. The Joint Committee shall examine the details on receipt of the required documents and submit the conclusive report along with recommendations to address the grievances of the affected parties **before February 14, 2024 i.e the time line given by Hon'ble National Green Tribunal for submission of the report within two months from the date of order (14/12/2023)**

The above status cum progress of the Joint Committee is submitted for the consideration of Hon'ble National Green Tribunal. The Joint Committee shall abide by further orders of Hon'ble National Green Tribunal in this matter.



(Dr. Anup Kumar Das)  
MoEF&CC, Shimla



(Dr. Narender Sharma)  
CPCB, Chandigarh

January 29, 2024

Item No.3

(Court No. 2)

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

(Through Physical Hearing with Hybrid Option)  
Original Application No.278/2022

Gram Panchayat of Bhontawali Village

...Applicant

Versus

Union of India &amp; Ors.

...Respondents

Date of hearing: 14.12.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Dr. (Maj) J.C. Vashista, Advocate with applicant in person.

Respondents: Mr. Rahul Pratap, Advocate for Respondent No. 1- MoEF & CC.  
Mr. Deepak Dahiya, Advocate for Respondent no. 2- Paonta Municipal Council (through VC)  
Mr. Aaditya Vijaykumar and Ms. Shreya Shree Singh Advocates for Respondent No. 3 - HPPCB.(Through VC)  
Ms. Radhika Gautam and Mr. Abhishek Singhal, Advocates for Respondent No.5  
Mr. Sumit Khimta, Deputy Commissioner, Sirmour and Mr. P. Sharma, RO, PCB (through VC).

**Application under Sections 14 and 15 of the National Green Tribunal Act,2010.**

**ORDER**

1. The aggrieved inhabitants of Bhontawali Village, District Sirmour, Himachal Pradesh have filed the present application under sections 14 and 15 of the National Green Tribunal Act, 2010 through Gram Pradhan- Mr. Rakesh Kumar for directions to respondent no. 1 to 5 to take appropriate steps for relocating the garbage dumping site in question away from the residential area.

2. The grievances of the above said villagers are that the administration had proposed to establish a bio gas plant at the present

dumping site and gas produced was to be used for processing the waste. However, no such biogas plant has been step. On the other hand garbage from homes factories, hospitals clinics, markets, meat shops and chemical industries is being continuously dumped in the above site which is situated within 100 meters from Yamuna River Bed and few meters from Village, School and Temple. The garbage dump site is degrading the environment and contaminating surface and ground water.

3. Vide order dated 28.04.2022 notices were ordered to be issued to respondents and pursuant thereof replies were filed by Respondent No. 1, 2, 3 and 5.

4. In its reply dated 08.07.2022 respondent no. 3-HPPCB has submitted that on the request of Municipal Council, Paonta Sahib, the land measuring 2.10 bighas at Khasra No. 385/169/1 in village Kedarpur, Gram Panchayat Bhattanwali Paonta Sahib, District Sirmour was transferred by the District Administration, Sirmour to the Department of Urban Development in the Year 2003 for the purpose of setting up a dumping ground. The Gram Panchayat, Bhattanwali had also issued NOC for transfer of such land for the purpose of dumping ground by Municipal Council, Paonta Sahib on 21.8.2003. Respondent no. 3-HPPCB had also granted authorization dated 04.03.2005 to the Municipal Council, Paonta Sahib for setting up and operation of waste disposal facility at Kedarpur, Paonta Sahib District Sirmour. In its reply dated 08.07.2022 respondent no. 3-HPPCB had also noticed deficiencies /violations. In its additional reply dated 10.10.2022 Respondent no. 3-HPPCB has mentioned that environmental compensation of Rs. 25,000/- again Rs. 25,000/- and again Rs. 7,00,000/- was imposed on Municipal Council Ponta sahib vide orders dated 12.02.2020, 21.12.2021 and 04.10.2022 for not complying with the Solid Waste Management Rules

and also mentioned that the approved sit at village Kedarpur has not been completely constructed and made operational.

5. Respondent no. 2- Municipal Council Ponta sahib filed replies stating various measures taken for completing construction on the site and installing machineries there for processing of the waste.

6. In the course of hearing Mr. Ram Kumar Gautam, Deputy Commissioner Sirmour, Mr. Ajmer Singh Thakur, Executive Officer, MC Ponta Sahib and Mr. Pawan Sharma, RO, HPPCB appeared through VC and assured that construction of dumping site would be completed on or before 31.03.2023 and the machinery will be procured within 90 days and efforts will be made for amicable resolution of the grievances.

7. Environmental compensation amount of Rs. 7,00,000/- was deposited by Respondent no. 2-MC, Ponta Sahib with Respondent no. 3-HPPCB and vide order dated 27.09.2023, HPPCB was directed to file affidavit detailing action plan for utilization of the same. Reply has been filed by HPPCB vide email dated 05.12.2023 mentioning that Deputy Conservator of Forest, Ponta Sahib Division, District Sirmour has submitted action plan vide letter no. 22.11.2023.

8. Respondent no. 5-Deputy Commissioner, District Sirmour, Nahan has filed reply mentioning that MC, Ponta Sahib had been directed to install proposed machinery at the earliest.

9. Mr. Sumit Khimta, Deputy Commissioner, Sirmour appeared before this Tribunal through VC today and informed that various steps have been taken up for treating the solid waste including fogging and undertaking plantations.

10. We have heard learned Counsel for the parties and gone through the material on record and also interacted with the officers present before this Tribunal through VC.

11. In view of the factual information provided by the respondents in the replies/reports filed, we are of the view that the progress has been extremely slow which is affecting the environment and the people adversely. Hence, we constitute a committee consisting of Senior Scientist from MoEF Regional Office Chandigarh and a nominee from Central Pollution Control Board. The above committee will be assisted by the State Pollution Control Board. The committee shall visit the site, examine the issues, interact with the relevant affected parties, examine the measures taken by the authorities and submit the status report with recommendations.

12. Report of the Committee shall be provided within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

13. List for further consideration on 01.02.2024.

14. A copy of this order be sent to MoEF Regional Office Chandigarh, Central Pollution Control Board and HPPCB by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

December 14, 2023  
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Attendace Sheet of site visit by Joint Inspection Committee on 18.01.2024 in compliance to order dated 14.12.2023 passed by Hon'ble NGT in OA No. 278 of 2022 titled as Gram Panchayat of Bhatanwali V/s Union of India & ors.					
Sr. No.	Name	Department	Contact No.	Email ID	Signature
1	Gurpreet Cheema.	SDM / EO Paonta	9790723948		
2.	Dr. Anup K. Das .	Scientist B Sub-office Shimla	8415027414		
3.	Dr. Narendra Sharma	MoEFCC Sc F UP	9814004377		
4.	Bhagy Singh	BDO Paonta	7807409174		
5	Rakesh Kumar	Paonta	9816910931		
6	Suprabhat Thakur	ACF Paonta	8894497643		
7.	Amit Kumar	GIS HGT-2 GIS OP-3	8624888077		
8.	ASHOK KUMAR	GIS 222-2 GIS No-2	9816392577		
9.	Er. Parvati Sharma	Regional Officer HPSPEC, Paonta Sahib	9418964049	pcb10/2023/10 gmail.com	
10.	Vijay Kumar	Dyut Co-SBM MC Muller	8219919862		
11.	Mukesh	J.P. M.C	9805601780		
12.	Rohit Singh	MCC Paonta Sahib	9816675757		