

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
P.B., NEW DELHI.**

Original Application No.253 of 2020

**IN THE MATTER OF:-**

Rajender Singh .....Applicant

Versus

State of Haryana & Others .....Respondents

**REPORT ON BEHALF OF DEPUTY COMMISSIONER,  
GURUGRAM AND HARYANA STATE POLLUTION  
CONTROL BOARD IN PURSUANCE TO THE ORDER  
DATED 3.12.2021.**

**MOST RESPECTFULLY SHOWETH:-**

1. The present case was filed before this Hon'ble Tribunal against dumping of garbage in Gram Panchayat land premises in the revenue estate of village Nawada Fatehpur, tehsil Manesar, District Gurugram. This Hon'ble Tribunal taking cognizance of the present matter, vide order dated 11.11.2020 sought action taken report from the Joint Committee of Haryana State PCB and the Deputy Commissioner, Gurugram. The relevant portion of order dated 11.11.2020 is reproduced below:

*"3. Before considering the issue, let a Joint Committee of Haryana State PCB and the Deputy Commissioner, Gurgaon*

*look into the matter and take such action as may be found necessary in accordance with law within two months from today."*

2. In compliance of order dated 11.11.2020, Report dated 31.3.2021 was submitted before this Hon'ble Tribunal. The said report was followed by letter dated 21.6.2021 written by the Joint Commissioner, Municipal Corporation, Manesar to the Regional Officer, HSPCB, Gurugram South, stating that site in question has been cleared.

3. This Hon'ble Tribunal during the course of hearing on 15.7.2021 considered the Report on record and sought further information quantity of waste, source thereof and details about other sites in the area and the manner of disposal of such waste. The Joint Committee was directed to give further report on these issues. Copy of order dated 15.7.2021 is enclosed herewith as ANNEXURE R/1.

4. In compliance of order dated 15.7.2021 passed by this Hon'ble Tribunal, the Joint Committee filed Report dated 14.9.2021. Further, the Municipal Corporation of Manesar vide its letter dated 2.12.2021 addressed to the Office of Senior Additional Advocate General,

Haryana submitted updated action plan with respect to disposal of daily generated waste and disposal of waste transported to Bawal Site.

5. This Hon'ble Tribunal after considering the report and action plan placed on record passed an order dated 3.12.2021. The operative part of the order dated 03 December 2021 is reproduced below:-

*"5. In view of the fact that the past violations are undisputed, offence under the law of the land inter alia under the Environment (Protection) Act, 1986 for violation of the Solid Waste Management Rules, 2016 is complete for which no remedial action is shown to have been taken nor compensation for the past violations shown to have been recovered on polluter pays principle in the manner laid down vide order dated 28.02.2020 in O.A No. 606/2018, In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues. This responsibility of compliance is of the Deputy Commissioner, Gurgaon and the Chief Secretary, Haryana. Further, it appears from the report that the dumped waste is being shifted from one place to the other instead of being remediated and scientifically disposed as per law. 1.82 MT waste is reported to be lying at the site without remediation."*

6. That in compliance to the order dated 03 December 2021, the Directorate of Urban Local Bodies, Haryana and Office of the Dy. Commissioner, Gurugram directed the Municipal Corporation Manesar to take necessary action and submit its response /report on the issues.

7. That the Municipal Corporation, Manesar submitted its response vide letter dated 4.8.2022. The relevant portion of the said response is reproduced below:-

“4. Processing of legacy waste transported to site at Bawal (Rewari) is being done as per SWM Rules 2016. The Bawal site is under jurisdiction of Municipal Council, Rewari, therefore, report was asked from Executive Officer, Rewari regarding status of Bio-remediation. The details of waste transported and bio-remediated is as follows:-

<b>Total Legacy waste Transported</b>	<b>Processed Legacy Waste*</b>	<b>Remaining Legacy waste at Rewari</b>
1,50,000 Tonnes (Approx.)	1,00,000 Tonnes (Approx.) till 4 <sup>th</sup> August 2022 (Including 6000 MT lifted from village Nawada).	50,000 Tonnes (Approx.) till 4 <sup>th</sup> August 2022

\*As per information received from MC Rewari vide letter Memo No. EE/MCR/2022/746 dated 04.08.2022.

5. Two trommel machines/One Duramax Thapar Machine having maximum combined capacity of disposal of 2500 Ton per day actual capacity as per working, are in operation for 24x7 at Bawal Site, Rewari to dispose of the legacy waste belonging to MCM. Best efforts are being made to bio-remediate the legacy waste transported by the MC, Manesar at the earliest.

6. That in continuation of Para No.6 of the Report dated 02.12.2021, it is submitted that Tender (Tender Id: 2021\_HRY\_192024\_1 & Tender Ref No. MCM/EE-SBM/2021/SPL-I) for Door-to-Door collection, transportation, processing as well as disposal of solid waste has been finalized and work has already been commenced.

MCM has established 1 decentralized waste processing facility at Naurangpur consisting of one MRF center for dry waste processing with a design capacity of 20 TPD. The facility also encompasses a wet waste processing center consisting of 33 compost pits with a total design capacity of 30-35 TPD. This waste processing facility is running the processing of waste (both dry and wet) coming from multiple villages in an effective manner.

Also, one more decentralized waste processing facility (Dry + Wet) is being operated in MC Manesar catering to 4 villages. The facility incorporates an MRF center with a design capacity of 4 TPD and a wet waste processing center with a design capacity of 4 TPD (2 Organic Waste Composter, each of 2 TPD capacity).

Furthermore, MCM has also identified two other sites for establishment of decentralized processing facilities comprising of both MRFs and wet waste processing centers with 50 TPD capacity each. These sites are at Manesar and Badha Villages and work on these plants has also been commenced and is likely to be completed within 20 days.

Establishment of one other decentralized processing plant of 50 TPD at Bhangrola village site is also under consideration.

7. It is to bring into your kind notice that Municipal Corporation, Manesar was recently constituted vide a gazette Notification No. S.O/58/H.A16/1994/S.3/2020 dated 24.12.2020. Thereafter, steps were taken to take over records from Gram Panchayat (s) followed by field survey of all garbage vulnerable points. The transition has happened directly from level of a Gram Panchayat to a corporation. This period also experienced the Second Wave of Covid-19.

Since formation, MC Manesar is working arduously towards establishing an integrated waste management system in compliance to SWM 2016 Rules. In view of expeditious and sincere steps taken by MC Manesar as detailed above, it should not be made liable to pay any penalty/compensation. It is not liable for past violation(s), rather it has taken the remedial steps soon after its office being functional in the area.”

A copy of letter dated 4.8.2022 is attached herewith as

**ANNEXURE R/2.**

8. The Members of the Joint Committee comprising Additional Deputy Commissioner, Gurugram and Regional Officer, HSPCB Gurugram South, visited the Site of Pond at Gram Panchayat land, in the revenue estate of Village Nawada Fatehpur and found the site clean from the garbage, surrounded by boundary walls and Pond has been developed/restored.

Other waste venerable places in Village Nawada were also visited and were found free from garbage.

9. That so far as the issue of environmental compensation for past violations, the Municipal Corporation of Manesar has explained that despite its office being functional in 2021 and second Wave of Covid-19 Pandemic, the sincere efforts made to clear the garbage dumping site. It has also been informed on behalf of Municipal Corporation that it has catered the waste of 30 Villages for transportation and processing as mentioned in its letter dated 4.8.2022. In such circumstances, it has been decided to hear the concerned Officers incharge of the functions of Gram Panchayat, before arriving to any conclusion on this aspect. Besides, relevant records need to be examined to identify such Officers and to issue notices to them for hearing.

Further progress in the matter shall be updated before this Hon'ble Tribunal.

It is, therefore, prayed that the present status Report may kindly be taken on record. Further, direction passed by this Hon'ble Tribunal shall be complied with sincerely.



REGIONAL OFFICER,  
GURUGRAM SOUTH,  
HSPCB.



ADDITIONAL DEPUTY COMMISSIONER,  
GURUGRAM

Place: Gurugram  
Dated: 16.8.2022

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 253/2020

Rajender Singh

Versus

Applicant

State of Haryana & Ors.

Respondent(s)

Date of hearing: 15.07.2021

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

Applicant: Mr. Anil Grover, Senior AAG with Mr. Rahul Khurana, Advocate for HSPCB and MC Manesar

**ORDER**

1. Grievance in this application is against the illegal dumping of garbage and waste in the Panchayat land in Village Nawada Fatehpur, Tehsil Manesar, District Gurugram. According to the applicant, unscientific dumping of garbage is affecting the ground water which is the source of drinking water. The applicant sent a representation on the subject on 03.01.2019 and contacted the Sarpanch recently but no action has been taken. The applicant has relied upon photographs in support of his averments.

2. Vide order dated 11.11.2020, an action taken report was sought from a joint Committee comprising Haryana State PCB and the Deputy Commissioner, Gurgaon.

3. Accordingly, a report has been filed on 01.04.2021 as follows:

*"In compliance to these orders the Deputy Commissioner, Gurugram has appointed Additional Deputy Commissioner, Gurugram for site inspection along with Regional Officer, HSPCB, Gurugram South.*

**During inspection on dated 26-03-2021, it was found that Villagers of Nawada Fatehpur village are littering & dumping the municipal solid waste at the site of Village Pond. (Photographs attached as Annexure-R1). Earlier, the area of this village was under the jurisdiction of Gram Panchayat. Recently in the month of January, 2021, the Govt. of Haryana had constituted Municipal Corporation Manesar and the said village falls under the jurisdiction of Municipal Corporation Manesar. Accordingly, a notice has been issued to the Municipal Corporation Manesar vide no. 7093-94 dated 30-03-2021 (copy attached as Annexure-R2) and asked to immediately clear the pond site by removing the Municipal Solid Waste as the said village falls under your jurisdiction and also ensure that no such kind of dumping will take place in future.**

Also one borewell was installed on site for the water supply to the nearby residents. A sample was collected from the water of the borewell by HSPCB and as per analysis report no. 2143 dated 31-03-2021 (copy attached as Annexure-R3). As per the results of analysis report, the parameters are within the limit of drinking water standards and it seems that there is no percolation on the indicated site."

4. From the report it is not clear as to how much was the quantity of the waste, source thereof, information about other sites in the area and in what manner such waste has been disposed of. The Solid Waste Management Rules, 2016 lay down manner of disposal but the compliance of the said rules has not been mentioned in the report.

5. Accordingly, let the joint Committee give a further report mentioning the manner of disposal of the waste and arrangements for management of waste in future 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. It may also ascertain generation, processing and disposal sites and whether waste in question is local or from other places.

List for further consideration on 04.10.2021.

A copy of this order be forwarded to Haryana State PCB and the Deputy Commissioner, Gurgaon by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Dr. Nagin Nanda, EM

July 15, 2021  
Original Application No. 253/2020  
DV

From

Commissioner,  
Municipal Corporation,  
Manesar.

To,

The Deputy Commissioner,  
Gurugram

Memo: MCM/EE(SBM)/2022/1054

Dated: 04.08.2022

**Sub: O.A. No.253/2020-Rajender Singh V /s State of Haryana pending before Hon'ble National Green Tribunal, New Delhi.**

Respected Sir,

That in continuation of earlier report submitted by this office vide report dated 31.03.2021 before Hon'ble Tribunal; report dated 14.09.2021 before Hon'ble Tribunal and letter dated 02.12.2021, it is respectfully submitted that:-

1. That Original Application No. 253 of 2022 had been filed before Hon'ble National Green Tribunal, New Delhi (herein after mentioned as "Hon'ble Tribunal" for the sake of brevity) by Rajender Singh in a matter related to this office.
2. As far as status of site in question in OA No. 253 of 2020 of Village Nawada is concerned, it is submitted that work order for the construction of boundary wall had been issued by MCM to an agency vide work order Memo No. MCM/EE-Hort./121-124 dated 11.01.2022 through tender process after getting done the demarcation of pond from Tehsildar, Manesar. The construction of boundary wall across the pond has been completed. MCM has also taken essential steps to ensure that the pond is rejuvenated. MCM has signed an agreement with an NGO for rejuvenation of this pond on 11.05.2022 and the work has been completed in June 2022 and the NGO would maintain it for 6 months from the date of execution of this MOU. These efforts have also been highlighted by Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation through social media. **(Annexure R-1)**.
3. As per Action plan submitted vide letter dated 02.12.2021 and referred in order dated 03.12.2021, the administrative approval for floating of tender and Award of Contract for Bio-remediation of Legacy waste were to be completed by 31.03.2022. These things were completed by those timelines.



4. Processing of legacy waste transported to site at Bawal (Rewari) is being done as per SWM Rules 2016. The Bawal site is under jurisdiction of Municipal Council, Rewari, therefore, report was asked from Executive Officer, Rewari regarding status of Bio-remediation. The details of waste transported and bioremediated is as follows:

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8. That further compliance report shall be updated to the Directorate of ULB and to your good office.

Encl: As above.

  
Executive Engineer (SBM)  
for Commissioner,  
Municipal Corporation, Manesar.

Endst No. MCM/EE(SBM)/2022/ 1055-59

Dated: 04.08.2022

A copy forwarded to following for information & necessary action please.

1. Addl. Deputy Commissioner, Gurugram
2. Regional Officer (RO), HSPCB, Manesar
3. Superintendent Engineer, Municipal Corporation Manesar.
4. Joint commissioner I & II, Municipal Corporation Manesar.
5. PA-to-W/Commissioner, Municipal Corporation Manesar.

  
Executive Engineer (SBM)  
for Commissioner,  
Municipal Corporation, Manesar

### Efforts of MCM being highlighted by Ministry of Jal Shakti



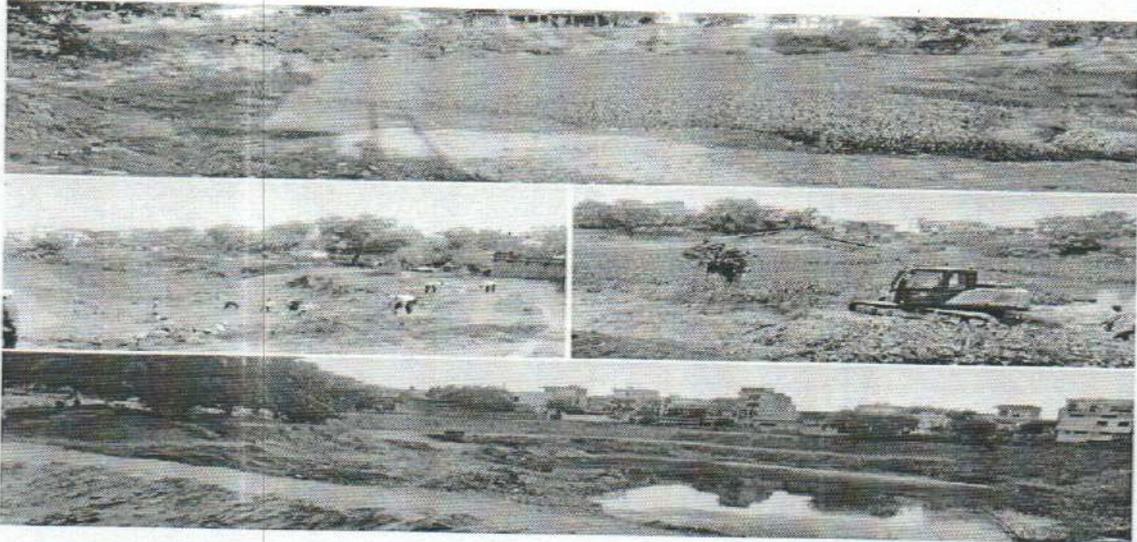
**Ministry of Jal Shakti,  
Department of Water Resources,  
RD & GR**

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नवादा तालाब, मानेसर जल्द बनेगा अमृत सरोवर।  
मानेसर नगर निगम, एयरबस इंडिया व से-अर्थ संस्था के  
सामूहिक प्रयासों से नवादा-फतेहपुर तालाब को आगमी मानूसन  
में वर्षा जल संरक्षण हेतु पुनर्जीवित किया जा रहा है।  
#Pondman #AirbusIndia #ManesarNagarNigam  
#CatchTheRain #AmrutSarovar



👤 Mohit Relan and 36 others

14 comments - 1 share

