

**BFFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 590 OF 2025

IN THE MATTER OF:

NITIN ANAND

.... APPLICANT

Versus

MINISTRY OF RAILWAY & ORS.

.... RESPONDENTS

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THROUGH

DATE: 23.04.2026

PLACE: NEW DELHI



**STHAVI ASTHANA
ADVOCATE FOR RESPONDENT NO. 4,
C-9, SECTOR 50, NOIDA,
UTTAR PRADESH-201303
(M): 9711116034
(E): STHAVIASTHANA@GMAIL.COM**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
IN
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.... APPLICANT

.... RESPONDENT



**RESPONSE AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4,
UTTAR PRADESH POLLUTION CONTROL BOARD, IN
COMPLIANCE WITH THE ORDER DATED 19.02.2026**

I Chandresh Kumar aged about 40 years, S/o Shri Harish Chandra, presently posted as Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter referred to as "UPPCB"), Bareilly, do hereby solemnly affirm and state on oath as under:

1. That I am posted as the Regional Officer of the Respondent No. 4, Uttar Pradesh Pollution Control Board (hereinafter "UPPCB"), Bareilly. I say that I am fully conversant with the facts of the case and in the abovementioned capacity I am competent and authorized to swear the present Affidavit.
2. That this Hon'ble Tribunal, in the above Original Application, vide order dated 19.02.2026, was pleased to issue the following direction:



"9. *Learned Counsel for respondent no. 1 – Ministry of Railways submits that railways is cleaning the site. Hence, we direct the respondent no. 1 to clean the entire solid waste lying dumped at the site within two weeks. Immediately thereafter, respondent no. 4 will carry out the site inspection and if solid waste is found to be dumped there, it will initiate action for levy of environmental compensation upon respondent no. 1.*

10. Let further action taken report be submitted by UPPCB within four weeks"

3. That in compliance with the aforesaid order dated 19.02.2026, UPPCB conducted an inspection of the site in question on 09.03.2026.

That as per the site inspection conducted by UPPCB officials, solid waste was found to still be lying dumped at the site and had not been cleared by Respondent No. 1 (Ministry of Railways) despite the expiry of the two-week period stipulated in the order dated 19.02.2026. The estimated quantity of solid waste found at the site during inspection was approximately 1500–2000 Metric Tonnes. The actual quantification thereof is to be conducted by the executing agency.

5. That this Hon'ble Tribunal, in O.A. No. 606/2018 (In re: Compliance of Municipal Solid Waste Management Rules, 2016),



vide order dated 18.05.2023, while dealing with non-compliance of the Solid Waste Management Rules, 2016, laid down the following principle for assessment of Environmental Compensation for unprocessed legacy/solid waste, which is extracted hereunder:

"49. ...For failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT (at which approximate rate compensation has been awarded in OA No. 286/2022 against Municipal Corporation, Ludhiana, for the reasons given therein)..."



6. That in view of the aforesaid principle enunciated by this Hon'ble Tribunal and applying the rate of Rs. 300/- per Metric Tonne to the solid waste found at the site (estimated at approximately 1500–2000 MT), UPPCB has computed the Environmental Compensation leviable against Respondent No. 1 as follows:

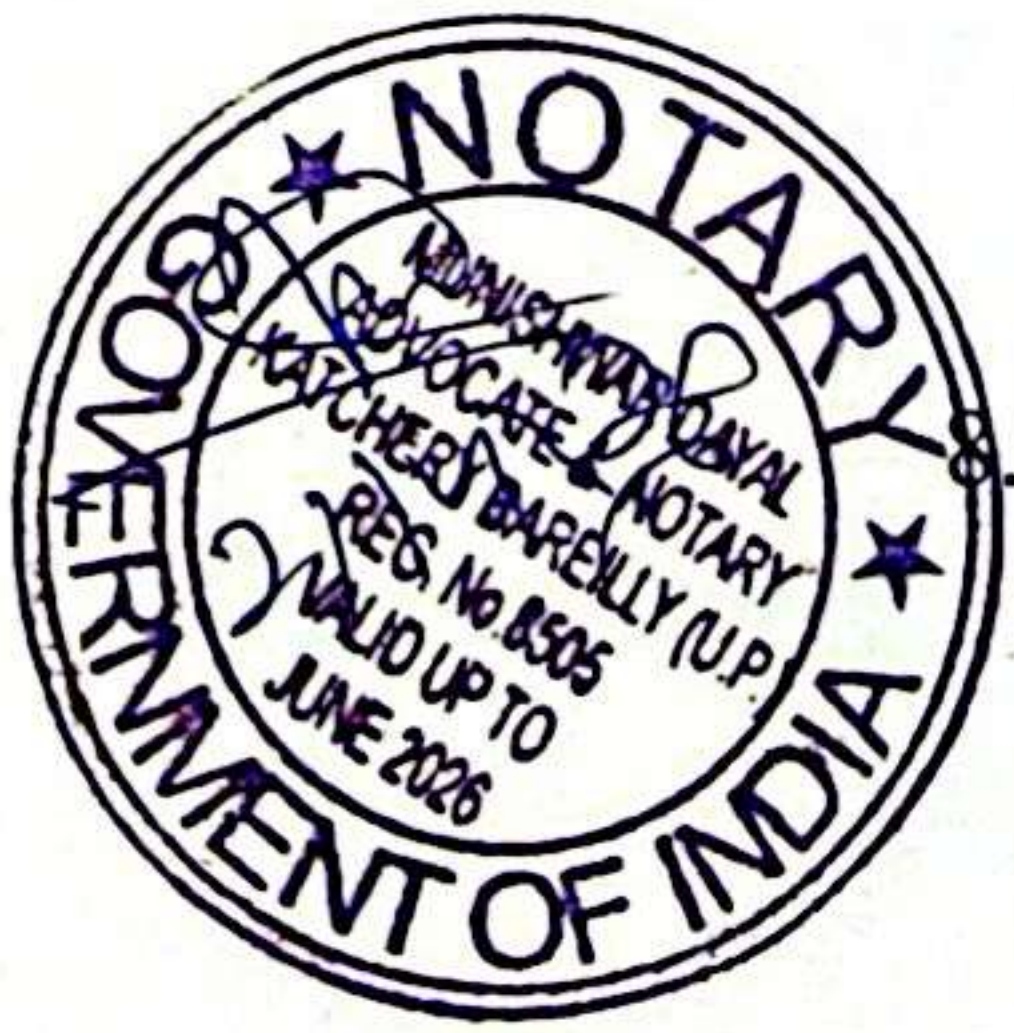
Rs. 300/- per MT x 2000 MT = Rs 6,00,000 (Rupees Six Lakh Only)

A true copy of the report along with computation of EC is annexed hereto and marked as **Annexure No. 1.**

7. That in compliance with the directions in the order dated 19.02.2026 of this Hon'ble Tribunal, UPPCB has initiated action for levy of EC and has calculated the amount of EC which may be

imposed on the Respondent No. 1. However, in view of the order dated 04.08.2025 passed by the Hon'ble Supreme Court in Civil Appeal No(s). 757-760 of 2013, D.P.C.C. Versus Lodhi Property Co. Ltd. Etc., it is submitted that the power of State Pollution Control Boards to levy environmental compensation cannot be exercised until the relevant rules are framed by the Central Government in this regard. Therefore, the answering Respondent prays for necessary directions from this Hon'ble Tribunal for imposition of EC on the Respondent No. 1.

That the present reply is placed before this Hon'ble Tribunal for its perusal and necessary consideration.



[Signature]
DEPONENT

VERIFICATION

Verified at _____ on this ___ day of _____, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Certified By Shri/Smt. *[Signature]*
 Identified By Shri Sowned.....*[Signature]*
 and Confirmed The Contents of Affidavit in My
 presence At Bareilly Dated.....27/4/26
 and Further Understood The Contents

[Signature]
DEPONENT

[Signature]
MUNISHWAR DAYA,
 Advocate & Notary
 Kachery Bareilly (U.P)

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उ० प्र० प्रदूषण नियंत्रण बोर्ड

क्षेत्रीय कार्यालय: 1219/1, ई-ब्लाक, राजेन्द्र नगर, बरेली-243 122

U. P. POLLUTION CONTROL BOARD

Regional Office: 1219/1, E-Block, Rajendra Nagar, Bareilly-243 122

सन्दर्भ सं० : 16/N470.A No:- 590/2025/2026

दिनांक- 08/4/26

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-7),
उ० प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

विषय:- मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ० ए० नं०-590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक-19.02.2026 के अनुपालन में बोर्ड मुख्यालय से प्राप्त निर्देशों के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक बोर्ड मुख्यालय लखनऊ के ई-मेल दिनांक-02.04.2026 का सन्दर्भ ग्रहण करने की कृपा करें जिसके माध्यम से मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ० ए० नं०-590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक-19.02.2026 के अनुपालन में प्रतिवादी सं०-1 के विरुद्ध पर्यावरणीय क्षतिपूर्ति की गणना प्रेषित किये जाने हेतु निर्देशित किया गया है। उक्त निर्देशों के अनुपालन में राज्य बोर्ड की ओर से नामित स्थाई अधिवक्ता से समन्वय स्थापित किया गया एवं प्राप्त जानकारी के अनुसार नगरीय ठोस अपशिष्ट प्रबन्धन नियम-2016 के अनुपालन के सम्बन्ध में मा० एन० जी० टी० में योजित ओ० ए० नं०-606/2018 में पारित आदेश दिनांक-18.05.2023 के मुख्य अंश निम्नवत् है:-

“49. For failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT (at which approximate rate compensation has been awarded in OA No. 286/2022 against Municipal Corporation, Ludhiana, for the reasons given therein).”

उपरोक्त तथ्यों के दृष्टिगत मा० एन० जी० टी० द्वारा पारित आदेश दिनांक-19.02.2026 के अनुपालन में प्रतिवादी सं०-1 के विरुद्ध पर्यावरणीय क्षतिपूर्ति की धनराशि की गणना मा० एन० जी० टी० में योजित ओ० ए० नं०-606/2018 में पारित आदेश दिनांक-18.05.2023 के अनुसार प्रति टन रू०-300/- की दर से कुल रू०-600000/- (कुल रू०-छह लाख मात्र) पर अन्तिम निर्णय बोर्ड मुख्यालय स्तर से लिये जाने की संस्तुति सहित आख्या संलग्नकर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित की जा रही है। संलग्नक-उपरोक्तानुसार।

भवदीय

क्षेत्रीय अधिकारी

प्रतिलिपि-मुख्य विधि अधिकारी, उ० प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 नं0-590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक-19.02.2026 के अनुपालन में बोर्ड मुख्यालय से प्राप्त निर्देशों के क्रम में आख्या:-

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 नं0-590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक-19.02.2026 के मुख्य अंश निम्नवत् है -

".....9. Learned Counsel for respondent no.1-Ministry of Railways submits that railways is cleaning the site. Hence, we direct the respondent no.1 to clean the entire solid waste lying dumped at the site within two weeks. Immediately, thereafter, respondent no.4 will carry out the site inspection and if solid waste is found to be dumped there, it will initiate action for levy of environmental compensation upon respondent no.1.
10. Let further action taken report be submitted by UPPCB within four weeks.
11. List on 15.05.2026."

उपरोक्त आदेश के अनुपालन में अवगत कराना है कि प्रश्नगत प्रकरण के सम्बन्ध में स्थलीय निरीक्षण आख्या एवं संस्तुति पूर्व में इस कार्यालय के पत्र सं0-1107/एन0जी0टी0-590/2025/2026 दिनांक-11.03.2026 के माध्यम से बोर्ड मुख्यालय लखनऊ प्रेषित की गयी है। तत्कम में बोर्ड मुख्यालय के ई-मेल दिनांक-02.04.2026 के माध्यम से प्राप्त निर्देश निम्नानुसार है-

As per the report provided by the RO, solid waste has not been cleared from the site, but the final decision on imposition of EC is to be taken by the Board Headquarters. However, there is no communication provided in this regard on behalf of the Board Headquarters.

In compliance with the order of the Hon'ble Tribunal, the Board may provide a calculation of the amount of EC applicable in the present case which may be placed on the record for perusal of the Hon'ble Tribunal.

उक्त निर्देशों के अनुपालन में राज्य बोर्ड की ओर से नामित स्थाई अधिवक्ता से समन्वय स्थापित किया गया एवं प्राप्त जानकारी के अनुसार नगरीय ठोस अपशिष्ट प्रबन्धन नियम-2016 के अनुपालन के सम्बन्ध में मा0 एन0जी0टी0 में योजित ओ0ए0 नं0-606/2018 में पारित आदेश दिनांक-18.05.2023 के मुख्य अंश निम्नवत् है:-

"49. For failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT (at which approximate rate compensation has been awarded in OA No. 286/2022 against Municipal Corporation, Ludhiana, for the reasons given therein)."

उक्त आदेश में बिना उपचारित लीगेसी वेस्ट के विरुद्ध प्रति टन रू0-300/- की दर से पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने का उल्लेख किया गया है।

अग्रेतर पूर्व में प्रेषित आख्या दिनांक-11.03.2026 के अनुसार निरीक्षण के समय ठोस अपशिष्ट की अनुमानित मात्रा लगभग 1500-2000 मी0टन पायी गयी, जिसका वास्तविक आंकलन कार्यदायी संस्था द्वारा किया जाना अपेक्षित है इस सम्बन्ध में वरिष्ठ मण्डल इंजी0, पूर्वोत्तर रेलवे इज्जतनगर, बरेली द्वारा प्रभारी अधिकारी, नगर निगम, बरेली को उक्त ठोस अपशिष्ट की अनुमानित मात्रा का आंकलन किये जाने के सम्बन्ध में पत्र प्रेषित किया गया है।

उपरोक्त तथ्यों के दृष्टिगत मा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक-19.02.2026 के अनुपालन में प्रतिवादी सं0-1 के विरुद्ध पर्यावरणीय क्षतिपूर्ति की धनराशि की गणना मा0 एन0जी0टी0 में योजित ओ0ए0 नं0-606/2018 में पारित आदेश दिनांक-18.05.2023 के अनुसार प्रति टन रू0-300/- की दर से कुल रू0-600000/- (कुल रू0-छह लाख मात्र) पर अन्तिम निर्णय बोर्ड मुख्यालय स्तर से लिये जाने की संस्तुति सहित आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

क्षेत्रीय अधिकारी

Ins. report G.2

वैज्ञानिक सहायक

सहायक पर्यावरण अभियन्ता

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

(By Hybrid Mode)

Original Application No. 606/2018

(In respect of Union Territory of Chandigarh)

In re: **Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues**

**(Arising out of directions of the Hon'ble Supreme Court
in W.P. No. 888/1996 and W.P. No. 375/2012)**

Date of hearing: 18.05.2023

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

Present: Shri. Dharam Pal, IAS Advisor to the Administrator
Shri. Nitin Yadav, IAS, Home Secretary
Smt. Anindita Mitra, IAS Municipal Commissioner
Shri. Vijay Premi, SE Public Health, Municipal Corporation
Shri. Debendra Dalai, (IFS) Director Environment (Sr. Nodal Officer)
Shri Arulrajan P. (IFS), Member Secretary, CPCC
Shri. C. B. Ojha, Chief Engineer, Chandigarh Administration with
Mr Shubham Bhalla and Mr. Deepak Samota, Advocates for the UT of
Chandigarh

ORDER

1. The issues of solid as well as liquid waste management are being monitored by this Tribunal as per orders of the Hon'ble Supreme Court order dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel vs. Union of India &Ors.*, with regard to solid waste management and order dated 22.02.2017 in W.P. No. 375/2012, reported in (2017) 5 SCC 326, *Paryavaran Suraksha vs. Union of India*, with regard to liquid waste management. Other related issues include pollution of 351 river stretches,

122 non-attainment cities in terms of air quality, 100 polluted industrial clusters, illegal sand mining etc. have also been dealt with earlier but currently proceedings are confined to two issues of solid waste and sewage management.

2. In continuation of earlier orders on the subject, the compliance status in Chandigarh was last reviewed by the Tribunal on 18.08.2022 in the presence of Advisor to the Administrator, UT Chandigarh. The concluding part of the said order is as follows:-

“xxxxxx.....xxx
27. The presentation filed by the Advisor to Administrator, Chandigarh during the hearing shows following data:

SUMMARY OF STATUS

A): Solid Waste Management					
Quantity of waste generation in the State (in TPD)	Waste Processed (in TPD)	Gap in generation and Processing (in TPD)	Quantity of waste being disposed in landfills (in TPD)	No. of Legacy waste dump sites	Status of Bio-mining
550 (Wet waste 350 TPD and dry waste 200 TPD)	Wet waste: 120	430	430	01	Out of 5 Lakh MT , 4.25 Lakh MT has been bio-mined & remaining 0.75 Lakh MT will be completed by Dec, 2022 . Area of land reclaimed is 15 acres .

B): Sewage Management						
Quantity of sewage generation in the State (in MLD)	Treatment capacity in MLD	Present utilization in MLD	Current Gap in treatment (MLD)	Utilization of treated sewage in		
				Agriculture/ Horticulture purpose	Industrial purpose	Any other purpose
220	242.63	216.75	3.25	36-45	-	-

Our Observations about way forward

28. Before proceeding further, it may be mentioned that the Tribunal had appointed a Monitoring Committee for some period headed by Justice Pritam Pal, former Judge of Punjab and Haryana High Court to verify the compliance status of waste management at Chandigarh. The Committee submitted its last report on 23.06.2021. In the said

report several deficiencies were highlighted, including inadequate functioning of solid waste management plant, absence of ETP to treat leachate generated at the dump site, absence of proper record of the waste processed at the plant, inadequate functioning of bio-remediation machinery and absence of proper record of C&D waste, inadequacy of monitoring of waste management by BWGs, need for sprinkling of water before sweeping of roads, for efficient working of MRFs and for further steps for proper management of horticulture waste. We hope the said deficiencies have been looked into and remedial action taken. If not, the Administration may look into these aspects and remedy the same.

29. We may now consider the data presented on behalf of the Chandigarh Administration. In solid waste management, there is a gap of 430 TPD which shows that waste processing facilities are inadequate to process biodegradable (wet) and non-biodegradable (dry and recyclable) waste. Steps proposed to bridge the gap are by way of setting up/augmentation and/or retrofitting of Bio-Methanation Plant, Compost Plant, Horticulture Waste Processing and Waste to Energy Plants. Further, there is no provision for authorized facilities for plastic waste recycling. The capacity of the plants needs to be adequately increased. There is need to consider de-centralized waste processing plants/organic waste converter at appropriate locations coupled with waste segregation at source without causing any environmental nuisance. Compost produced at individual and community level and its usage and linkages of Micro Composting Facilities (MCFs) with end users/processors need to be monitored. The remaining legacy waste of 7 lakh MT is proposed to be handled in next three years which is made dependent on availability of funds which is not legally permissible. Responsibility of local administration to manage waste cannot be linked to funds from any other source, as held in judgements of the Hon'ble Supreme Court mentioned in the beginning of this order. Till the reported gap of 430 TPD is bridged by processing solid waste, it will continue to remain source of degradation of environment and damage to public health, including deaths and diseases which the society can ill afford. Hence the urgency of the situation for good governance ensuring emergent measures in public interest to protect the environment and public health and discharge of Constitutional obligation. Since lack of funds cannot be a ground to wait for waste management as held inter-alia in Municipal Council, Ratlam, supra (see para 4 above), the administration must raise funds out of its own budget, if necessary, by collecting the same from the waste generators. The existing dysfunctional MSW processing plant needs to be made operational as pending litigation is no bar to such operationalization. In respect of **sanitary waste**, processing said to have commenced from 03.08.2022 but it needs to be reviewed to ensure that entire waste is handled efficiently when co-treated with bio-medical waste treatment facility. If the capacity is inadequate, the said capacity needs to be suitably enhanced. In respect of **domestic hazardous waste** collected at Material Recovery Facility Centre (MRF), it is stated that the same is planned to be disposed of through a service provider which needs to be expedited so as to ensure that entirety of the such waste is scientifically disposed of with proper tracking system. With regard to **sewage**, the gap shown is 3.25 MLD, though the report filed mentioned that gap is 'nil'. Further, it is stated that out of six STPs, only four are complying i.e.

to the extent of 59.25 MLD out of 85.1 MLD installed capacity. Factually, the record shows that out of total installed sewage treatment capacity of 248.2 MLD, actual utilization is 216.75 MLD and only 59.25 MLD of sewage is complying with standards. The remaining 157.5 MLD is being disposed without adequate treatment through Sukhna Choe, Patiala Ki Rao and Farida which ultimately leads to river Ghaggar via State of Punjab. There is no mention about tackling sewage management issues in rural areas and providing connectivity in existing sewerage system or otherwise instead of discharging sewage into the Choes. Further, the operation of dairies and their waste management also needs to be looked into and if found viable, Chandigarh and State of Punjab may set up joint dairy waste management facilities on pro-rata cost sharing basis. This needs to be done in a time bound manner. Thus, the actual gap appears to be 144.9 MLD which needs to be bridged in a mission mode. Treated sewage needs to be duly utilized. As per data furnished, only 36 - 45 MLD out of 220 MLD is being used for horticulture/agriculture purpose. The waste water after treatment at tertiary level may be utilized appropriately such as for filling new lake in Sector 42 and Dhanas lake near Sector 38 during the dry/summer period subject to not causing odour problem. Further utilization potential can be explored by possible tie-ups with the Railway Station, Bus Stand, Power Plants or any other such establishments and construction activities in and around Chandigarh. The treated sewage may be insisted for use by the industries discouraging them to use ground and surface water. Chandigarh Pollution Control Committee and Municipal Corporation of Chandigarh need to jointly workout a plan to this effect in next three months. Timelines for compliance beyond statutory outer limit which are already in violation, need to be squeezed to respect the statutory mandate and directions of the Hon'ble Supreme Court and this Tribunal.

30. It is a matter of concern that even after 48 years of enactment of Water (Prevention and Control of Pollution) Act, 1974 and expiry of timelines for taking necessary steps for solid waste management in terms of Solid Waste Management Rules, 2016 and binding direction in the judgment of the Hon'ble Supreme Court and this Tribunal in *Almitra H. Patel vs. Union of India & Ors.* and *Paryavaran Suraksha vs. Union of India*, supra, huge gaps still exist. Are there insurmountable difficulties for the authorities or lack of will and determination? We find it difficult to believe the first. In our view, it is lack of good governance and determination responsible for the situation which needs to be remedied soonest.

31. We have suggested change in approach in realizing that remedial action cannot wait for indefinite period as is being proposed by the Administration. Sources of funding are laid down in the orders of the Hon'ble Supreme Court. Responsibility of the authorities is to have comprehensive plan to control pollution which is its absolute liability, which is not being understood. If there is deficit in budgetary allocations, it is for the authorities to have suitable planning by reducing cost or augmenting resources. By way of suggestion, one may consider harnessing traditions, culture, knowledge and community involvement atleast on reducing waste and maintaining cleanliness. People must be involved in the problem by appropriate awareness and strategies to encourage public participation and

contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates which, breach of which is established from the track record of last several decades, is not convincing solution. There is no accountability for the past breaches. It is poor substitute for compliance. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps. Claimed success by some local bodies elsewhere in setting up waste processing plants and harnessing benefits like bio-CNG/power energy¹ may need to be looked into and if found useful, the same need to be followed with suitable modifications. Accordingly, based on quantum of waste generation, adoption of processing technologies may be selected and long time consuming and unconvincive tendering system be dispensed with.

32. It is the mindset and determination to act in a mission mode which can produce results.

33. Segregation of the solid waste at source and its earliest processing nearest to the point of generation with defined destination is imperative. In particular, adequate composting/vermicomposting/bio-methanation centers need to be set up and upgraded nearest to the source of generation of wet solid waste, listing people's involvement. Bulk waste generators, Group Housing Societies and commercial complexes can themselves be required to process the waste under guidance and handholding by the Administration, with the assistance of identified empaneled service providers taking local conditions into consideration and maintaining/safeguarding public health hygiene. This may perhaps reduce planned expenditure. In case of non-feasibility of such option, local body may create centralized/terminal facility for sewage and solid waste management on cost charging basis.

34. Similarly, sewage can be required to be processed by conventional/ cost-effective methods atleast at several identified locations with least expenses. Decentralized treatment plants can be explored, apart from imposing condition of ZLD on industries and Group Housing Societies set up double plumbing system utilizing wash water (Grey water) for flushing and gardening and Black water suitability treated or connected to sewer terminating to STPs following the draft Notification of MoEF&CC dated 25.02.2022² etc. and the relevant part of the draft Notification in context of sewage and solid waste management is reproduced below:

“xxxxxx.....xxx
C. Management of sewage/waste water, Reuse and recycle of treated wastewater by dual plumbing system

¹ Indore's Waste to Energy model leads the world, 72 countries set to follow! : <https://www.financialexpress.com/lifestyle/indores-waste-to-energy-model-leads-the-world-72-countries-set-to-follow/1695816/>

India's cleanest city Indore turns waste into bio-CNG, money : <https://energy.economictimes.indiatimes.com/amp/news/oil-and-gas/indias-cleanest-city-indore-turns-waste-into-bio-cng-money/87826232>

² https://www.compfi.com/wp-content/uploads/2022/03/01032022_EHS_02.pdf

10. *Dual Plumbing System shall be implemented - one for supplying fresh water for drinking, cooking and bathing etc. and another for supply of treated water for flushing.*

11. *Only treated water shall be used for flushing.*

12. *In no case, sewage or untreated waste water generated within the project area shall be discharged through storm water drains or otherwise into water bodies nor discharged/injected into the ground water by any mode.*

13. *Subject to Clause (3) of this notification, the project authority may opt or avail to common off-site treatment facility, as feasible, for treatment with reuse & recycle of corresponding quantity of treated water through the dual plumbing system for flushing and other non-potable use.*

A. For projects with built up area of 5,000 sq.mtrs. to 20,000 sq.mtrs. –

i. In areas where there is no municipal sewage network,

a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

OR

b. In case of usage of septic tank, only black water shall be discharged in the septic tank. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

The excess treated water should conform to the general discharge norms of CPCB/MoEF&CC.

ii. In areas where there is municipal sewage network

a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

OR

b. The project authority may opt to discharge only black water in such municipal sewage network subject to availability of trunk sewer line. For this

purpose, two separate pipeline network– one for black water discharge and other for collection of grey water shall be installed. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

B. For projects involving built-up area of 20,000 sq. mts. or more –

14. Subject to Clause (3) of this notification, Onsite Sewage Treatment Plant with capacity to treat 100% waste water generated within the project area through tertiary treatment shall be installed. Treated waste water shall be reused on site for landscape, flushing, HVAC, fire-fighting, and other end-uses.

15. The adequacy of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the authorized agency.

16. Discharge of excess treated wastewater outside the premises, after treatment in STP, should meet the discharge standards as notified by CPCB/MoEF&CC from time to time.

17. Wastewater and treated water quantification system through metering/sub-metering shall be installed.

18. Sludge from the onsite sewage treatment shall be collected, conveyed and disposed as per the Central Public Health and Environmental Engineering Organization (CPHEEO) Manual, Ministry of Housing and Urban Affairs, on Sewerage and Sewage Treatment Systems.

19. Where Common Sewage Treatment Plant facility has been availed, it shall be ensured that treated waste water is recycled back to respective building for reuse.

D. Solid Waste Management

20. Subject to Clause (3) of this notification, onsite solid waste management facility should be developed and a formal contractual arrangement shall be ensured with authorized recyclers/concerned municipal agency for disposal of all non-biodegradable waste.

21. Subject to Clause (3) of this notification, where there is no alternate arrangement for disposal of biodegradable waste, Organic waste composter/Vermiculture pit with a minimum capacity of 1.0 kg/150 sqm. of built-up area/day shall be installed & operated.”

35. Accordingly, Chandigarh needs to adopt the above guidelines for new upcoming societies, if any, and other such establishments.

36. It is pertinent to mention that Chandigarh depends on ground water to meet the requirements of potable water for the State. Hence

its imperative that the State takes all measures to minimize the drawal of ground water as its scarce and depletable if overdrawn. The State should emphasize on recycling, reuse of waste water especially by the bulk users. Rain water harvesting should be made mandatory. Sewage generated should be treated and treated sewage with no bacterial load can be used by the commercial establishments requiring water for their processes or otherwise. PCBs/PCCs can lay down and enforce consent conditions in CTEs and CTOs whereby State's financial burden can be reduced. As earlier mentioned, such establishments may include Malls, Industrial Estates, Automobile Establishments, Power Plants, etc. Treated water can also be used by Playgrounds, Railways, Bus Stands, Local Bodies, Universities etc. to save potable water for drinking. Some such models reportedly exist³.

37. Further, it may be necessary to brain storm with experts and other stake holders at different levels, evolve models which can be replicated, initiate special campaigns with community/media involvement in the larger interest of protecting environment and public health with determination for prompt action. Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community involvement may result in reducing the financial and administrative load on the administration. For this purpose, decentralized models can be created and further replicated based on success achieved.

38. Compliance of environmental norms on the subject of waste management has to be on high on priority. Land being scarce there is a danger that the landfill site will further grow if the waste is not managed, it may eventually contaminate the ground water. The resorts and hotels may be required to adopt zero waste policy, including waste water reuse with in the resort/hotel area. We are of the view that issues have been identified and monitored by the Tribunal for a long time. The matter is being monitored for the last 26 years and it is matter of regret that earlier commitments have been repeatedly breached. It is high time that the State realizes its duty to law and to citizens and adopts further monitoring at its own level. By

³ <https://www.newindianexpress.com/cities/chennai/2019/jul/31/chennai-industries-to-now-use-treated-sewage-water-2011837.html>

<https://timesofindia.indiatimes.com/city/surat/surat-water-reuse-model-goes-global/articleshow/85668103.cms>

<https://www.aninews.in/news/national/general-news/surat-generating-massive-revenue-by-selling-treated-water-to-industries20201217051127/>

<https://swachhindia.ndtv.com/surat-generating-massive-revenue-by-selling-treated-water-of-river-tapi-to-industries-54411/>

https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp_articleshow/87169850.cms

<https://theprint.in/india/governance/nagpur-to-become-the-first-indian-city-to-treat-and-reuse-90-of-its-sewage/180493/>

https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841_1.html

https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC_%26_KTPS_success_story_28052019.pdf

<https://cpcb.nic.in/success-stories/upload/1501156301.pdf>

http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf

this way of adoption, State may rank itself as one of the best environmentally healthy State in the country.

39. Chandigarh is known as ‘City Beautiful’ and face of Modern India. We hope in the light of interaction with the Advisor to Administrator, Chandigarh, the Administration will take further measures in the matter by innovative approach, stringent monitoring at appropriate level, including at the level of the District Magistrate (who executes the District Environment Plan) and the Advisor, ensuring that the gaps in waste generation and treatment are bridged at the earliest, shortening the proposed timelines, adopting alternative/interim measures to the extent and wherever found viable. Without further delay and instead of going for prolonged tendering process, Administrator may forthwith require ensuring of upgradation of six STPs to meet the standards, getting executable plans for utilization of treated sewage, managing rural sanitary issues, setting up of and operationalization of solid waste processing plant and remediation of landfill site.

The Advisor to Administrator, Chandigarh may consider designating a Senior Nodal Officer to regularly assess the progress as mentioned above inter-alia relating to bridging the gaps in sewage and solid waste management, existing and upcoming STPs need to have linkages with industries and other bulk users including Agriculture/horticulture for using treated sewage, legacy waste site needs to be remediated and reclaimed and area utilized for setting up of waste processing plants so to process day-to-day waste generation. More and more green belts/dense forests need to be set up to mitigate adverse impact of waste. Based on the gained experience at either individual or at smaller community level, standardized processing and treatment methodologies be replicated for other areas.

Laid down statutory norms need to be complied as per prescribed timelines and directions in the judgments of Hon’ble Supreme Court and this Tribunal, including directions in orders dated 25.4.2019, 28.2.2020 and 14.12.2020 and other orders in individual cases. In the light of observations in paras 14, 19 and 22 above, accountability be fixed for erring officers and compensation collected and utilised, as already directed.

Present proceedings in relation to UT Chandigarh are closed but it will be open to aggrieved parties to take fresh remedies as per law, as and when situations so require.”

3. Thereafter, in the light of order dated 01.09.2022 passed in the case of State of West Bengal, the Tribunal noted that the quantum of compensation needs to be determined for restoration measures in light of order dated 01.09.2022 passed in the case of State of West Bengal as follows:-

“5.....xxx.....xxx.....xxx

“Conclusion about quantum of compensation

49. In the light of above and considering damage to the recipient environment, we hold that apart from ensuring compliance at the earliest, compensation has to be paid by the State for past violations. The amount of compensation is fixed @ Rs. 2 crore per MLD (at which rate compensation has been levied against Noida and DJB in OA No. 1002/2018, *Abhisht Kusum Gupta vs. State of Uttar Pradesh &Ors*, referred to in para 48 above for detailed reasons mentioned therein). As noted earlier, **gap in generation and treatment in West Bengal, as per data furnished is 1490 MLD. Thus, under this head, liability of the State of West Bengal is to pay compensation of Rs. 2980 crores, rounded off to Rs. 3000 crore in view of continuing damage. For failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT (at which approximate rate compensation has been awarded in OA No. 286/2022 against Municipal Corporation, Ludhiana, for the reasons given therein). This works out to Rs. 366 crore but adding 134 crore for continuing addition of unprocessed waste @ 13469.19 TPD, the total amount is rounded off to Rs. 500 crore. Thus, final amount of compensation under the two heads (solid and liquid waste) is assessed at Rs. 3500 crores which may be deposited by the State of West Bengal in a separate ring-fenced account within two months, to be operated as per directions of the Chief Secretary and utilised** for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months. If violations continue, liability to pay additional compensation may have to be considered. Compliance will be the responsibility of the Chief Secretary.

50. Award of above compensation has become necessary under section 15 of the NGT Act to remedy the continuing damage to the environment and to comply with directions of the Hon’ble Supreme Court requiring this Tribunal to monitor enforcement of norms for solid and liquid waste management. Moreover, without fixing quantified liability necessary for restoration, mere passing of orders has not shown any tangible results in the last eight years (for solid waste management) and five years (for liquid waste management), even after expiry of statutory/laid down timelines. Continuing damage is required to be prevented in future and past damage is to be restored.

Directions for further follow up

51. Further, six monthly progress reports may be filed by the Chief Secretary with the with a copy to the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Copies thereof may be furnished to the NMCG,

MoUD and CPCB and also be placed on the website of the State Government.

A copy of this order be forwarded for compliance to the Chief Secretary, West Bengal, Secretary, Ministry of Housing and Urban Development, MoEF&CC, GoI, National Mission for Clean Ganga and CPCB.

On report being filed with the Registrar General of this Tribunal, the same may be placed before the Bench, if found necessary.

If any grievance survives, it will be open to the aggrieved parties to take further remedies as per law.”

4. Accordingly, notice was directed to be issued vide order dated 07.09.2022 to the UT of Chandigarh and other States/UTs where the proceedings were earlier closed to respond to the proposal for further directions on the pattern of order dated 01.09.2022 in the case of West Bengal.

5. In response to the above, Advisor to Administrator, Chandigarh has filed a status report on 17.05.2023 and appeared in person today through VC with other Senior officers as noted in the appearance. We have interacted with Advisor to the Administrator and considered the response which we proceed to analyse.

6. Data filed shows that out of 8 lakh MT legacy waste, 2.5 lakh MT has been remediated. Remaining legacy waste remains to be remediated. It is stated that work plan with funds are firmed up for the purpose. Processing plants of 550 TPD are proposed to be set up at Chandigarh for processing of waste on day to day basis. Current generation of waste is 588 TPD while processing is only 120 TPD (80 TPD dry waste). Thus, there is gap of 468 TPD which is further adding to legacy waste. With regard to sewage management, gap is to the extent of 133 MLD. Generation of sewage is 220 MLD and actual treatment as per standards is only to the extent of 87.6 MLD.

7. During the hearing, it is submitted that compensation need not be levied on Chandigarh as it has already allocated requisite funds are readily available and works are in progress. To bridge the above gaps, estimated amount of Rs. 282 Crores may be kept in a separate account as we are informed that adequate funds are available with the Administration for the purpose and is to be utilized during the year 2023-24.

Further observations

8. Critical issues to be addressed include (i) utilisation of treated sewage for non-potable purposes, particularly agriculture, avoiding discharge into rivers or water bodies. (ii) performance based O&M mechanism for STPs (iii) preventing mixing of current waste with legacy waste and bio-remediating both (iv) identifying and authorizing the end-users/ destination of processed waste. The Chandigarh Administration may also benefit itself by studying models in other States and orders of this Tribunal in respect of other States. Following observations in the case of State of Madhya Pradesh may also be relevant:

“xxxxxx.....xxx

31. Dump sites in operation as well as the legacy waste dump sites occupy huge area of valuable public lands. They remain source of air, water and land pollution resulting in damage to environment and public health. They emit intolerable smell and cause hazardous and unsafe environment for inhabitants in the vicinity. Their life is hell which is denial of their constitutional and human rights. In terms of money also, huge loss is caused to public health and environment. This situation is not acceptable in a civilized society governed by rule of law. For victims of situation, there is no governance. In recent order of the Tribunal dated 18.08.2022 in RA No. 21/2022 in OA No. 286/2022, two scientific studies on the subject of extent of environmental damage have been referred to. These are reproduced below:

“7. ...Legacy waste dumpsites are serious threat to public health and also source of generation of greenhouse gases. The Tribunal considered the issue of quantification of loss to environment by legacy waste dump sites inter alia in OA 514/2018 and OA 519/2019. Orders passed show that as per

expert studies, loss for such failure, due to release of pollutants in air atmosphere, release of leachate into ground / surface water and soil, due to pollution from the landfill site, damage cost associated with climate change due to carbon di-oxide and methane, damage caused due to aesthetics loss, price depreciation due to disamenity cost etc., is huge running in hundreds of crores. Some of the orders showing this are quoted below:

Order dated 23.03.2020 in O.A. No. 519/2019

“xxxx.....xxx.....xxx

18. *We may observe that non-compliance of rules relating to waste disposal results in damage to the environment and public health. Any failure needs to be visited with assessment and recovery of compensation for such damage from the persons responsible for such failure. **A study was recently got conducted by CPCB, under orders of this Tribunal requiring such a study by a joint Committee comprising CPCB, NEERI and IIT, Delhi about the monetary cost of damage caused to the environment on account of existence of legacy waste dump site at Gurgaon (Bandhewadi) vide order dated 05.03.2019 in O.A. No. 514/2018. The report of the CPCB filed on 13.02.2020 is that damage on account of the said legacy waste dump site was Rs. 148.46 crore, on account of damage to the air quality, soil and water quality, climate change and disamenity (aesthetic). The damage has been assessed in terms of impact on health due to release of pollutants in air atmosphere, release of leachate into ground / surface water and soil, due to pollution from the landfill site, damage cost associated with climate change due to carbon di-oxide and methane, damage caused due to aesthetics loss, price depreciation due to disamenity cost etc.***

19. *Thus, monetary cost of every legacy dump site is expected to be huge depending upon the location, quantity and quality of waste and area covered, its proximity to water body/ stream and human habitation etc. Needless to say that there is huge cost for non-compliance of provisions relating to waste management – Solid as well as Liquid. Loss to the environment and public health is taking place not only on account of delay in clearing legacy waste but also for not complying with other provisions of the Rules resulting in huge gap in generation and processing of waste. It may be necessary to determine such cost for delay in clearing legacy waste at every dump site as well as for delay in complying with other rules and failure to treat sewage and recover the same from the persons responsible for action in the matter. **Let the Committee comprising CPCB, NEERI & IIT Delhi carry out similar study as mentioned in Para 18 above to assess the amount of damage***

to environment on account of dump sites in Delhi within two months.”

Order dated 29.01.2021 in O.A. No. 519/2019

“6. Accordingly, status report dated 28.01.2021 has been filed by the CPCB as follows:-

“2.0 Action Taken :-

In compliance of Para 19 of aforesaid Hon'ble NGT's Order, Joint committee comprising of following members has been formed:

- Dr. S. K. Goyal, Chief Scientist and Head, NEERI Delhi Zonal Center
- Dr. G .V .Ramanna, Professor, Department. of Civil Engg., IIT-Delhi
- Ms D. Sinha, DH- UPC-II, CPCB
- Mr. P. Agarwal, Scientist-E, CPCB

Report on "**Assessment of amount of damage to environment on account of dumpsites in Delhi**" as prepared by Joint committee is placed at **Annexure-A**. Amount of Damage to Environment due to three dumpsites of Delhi to be levied on Municipal Corporations of Delhi is given in the following table:

S. No.	Name of Municipal Corporation	Name of Dumpsite	Damage Cost assessed, (Rupees)
1.	NDMC (North Delhi Municipal Corp.)	Bhalswa	155.9 Crore
2.	EDMC (East Delhi Municipal Corp.)	Ghazipur	142.5 Crore
3.	SDMC (SouthDelhi Municipal Corp.)	Okhla	151.1 Crore

xxx.....xxx.....xxx

7. Report of inspection conducted by the joint Committee comprising of the CPCB, NEERI and IIT Delhi is filed with following summary and conclusion:

“5.0 SUMMARY &CONCLUSION :

- i. Hon'ble NGT in OA No. 519/2019 constituted a Committee comprising of CPCB, NEERI & IIT Delhi to assessment of damage to environment due of dump sites in Delhi within two months.
- ii. Baseline information was collected by Committee through Questionnaire sent to three concerned Municipal Corporations (MCs). As

per the information provided by the MCs, bio mining is being carried out at all three sites. **However, about 6% of waste has been bio-remediated at the three sites.** Further, fresh waste is being dumped at all three dumpsites.

- iii. Potential sources of air pollution at the sites include handling of fresh waste, Bio mining of legacy waste, Methane and other Green House gases from the Dumpsite , transportation of fresh waste & screened fractions, Odour& Fire accidents. Potential sources of water pollution at the sites includes Leachate which is being generated at all the three dumpsites
- iv. Air Pollution control measures taken at site includes mainly includes sprinkling of water. It has been informed by the authorities that smog guns are being procured for control of air pollution. **No concrete measures for leachate collection and treatment have being taken at the three dumpsites. Leachate is partially being recirculated for stabilization of waste and the remaining is being discharged into nearby surface water drains. Actual details regarding quantity of leachate used/ discharged not provided by the concerned authorities**
- v. Concentration of TDS, TSS, COD & BOD in leachate exceeds the stipulated norms at all the three dumpsites. Concentration of Heavy metals is within the stipulated norms with the exception of lead which has marginally exceeded the permissible limits at Ghazipur. Assessment of Ambient Air, Surface & Ground Water quality is based on monitoring data of CPCB for the past three years. Zone of impact has been considered to be 5 km and information related to monitored stations located within and beyond this radius has been compiled and analysed. In addition, information provided by Delhi Pollution Control Committee regarding ground water monitoring has been taken into consideration.
- vii. **As per air quality monitoring data, PM₁₀& PM_{2.5} concentrations exceeded the prescribed values at all monitored stations upto 5 km distance & beyond from the Dumpsite sites.** SO₂ & NH₃ concentrations are within the prescribed values at all monitored stations. **Benzene**

has exceeded the stipulated limited at one station and NOx has exceeded the permissible limit at 7 monitored stations.

viii. As per the water quality monitoring data, concentration value of Arsenic, Chromium, Copper, Chloride, TDS, Fluoride, Cadmium and Iron exceeded the permissible limits at specified locations of Surface & Ground Water locations. Besides COD was detected at several stations monitored. As heavy metals (except iron) concentration in leachate was within specified norms and Chloride and TDS were within the permissible drinking water limits (BIS 10500) at most stations monitored, further analysis was done in terms of COD & Fe concentration levels and following are the observations:

- *High level of COD & Fe reported in Ground water at all three sites in Ground water which may be due to leachate from the dumpsite*
- *Very High level of COD, Chloride, TDS, TSS, Turbidity reported in surface water body (Bhalswa lake) located within a radius of 0-1 km from Bhalswa site, which may be due to leachate from the dumpsite*
- *High COD values reported in surface water body (Sanjay Lake) located at a distance of 3-5 km from Ghazipur site. Owing to the distance from the site, actual impact due to dumpsite can be confirmed based on the hydrogeology of the region and contaminant transport modelling*
- *Fluctuating trend in Iron & COD concentration in ground water observed within 5 km radius at the three sites. Overall increase in Iron and COD levels observed with increase in distance from the dumpsites, indicating, marginal impact on ground water quality due to dumpsite within 5 km distance from dumpsite*
- *Ground water outside 5 km radius have reported higher value of COD & Fe than stations located within 5 km radius, indicating minimal impact of dumpsite on ground water quality. Local factors are*

contributing in deterioration in water quality at these stations

- **As several sources of water pollution including open drains observed in these regions, actual impact of the local sources as well as that of the dumpsite can be confirmed based on the hydrogeology of the region and contaminant transport modelling**
- ix. There are currently 37 Continuous Air Quality monitoring locations in Delhi, of which 10 are located within a distance of 5 km from the dumpsites.
- x. Range in variation in PM_{2.5} & PM₁₀, NO_x & Benzene concentration levels within 5 km overlaps the range observed for stations located at distance greater than 5 km from dumpsites. Fluctuating trend is observed in NO_x /Benzene concentration levels vis-a-vis distance from the dumpsite.
- xi. Several local factors such as drains, road dust, vehicular pollution, C&D waste etc. also contribute towards air & water pollution in the region.
As per analysis of air and water quality carried out, deterioration in environmental quality cannot be attributed directly to the various activities happening at the dumpsites. **As further detailed investigations are required to assess actual impact of the dumpsite related activities on the environment (air, water & soil quality), interim cost of damage to environment is based on the Environmental Compensation to be levied for violation of Solid Waste Management Rules, 2016. Cost of damage to environment has been calculated based on the Environmental Compensation to be levied for violation of Solid Waste Management Rules and has been assessed as Rs.155.9 Crore (for Bhalswa), Rs. 142.5 Crore (for Ghazipur) and Rs. 151.1 Crore (for Okhla).**
- xii. Source apportionment studies are required to assess the actual impact of air pollution sources at dumpsite on air quality in the region.
- xiii. Detailed hydrogeological investigations and containment transport modelling is required

to assess the impact of dumpsites on surface / ground water.”

8. As shown above, in O.A. No. 514/2018, damage to the environment was assessed at Rs. 148.46 crores for Air pollution, Water pollution, Soil pollution, Climatic (GHG emissions) and Aesthetics has been taken into consideration in the report and damage cost to environment is estimated at Rs 148.46 crores. The report has following conclusions:-

“7. Results & Conclusion

The report focuses on identifying and estimating monetary losses (in 2019 Rupees) on the environment due to the operation of Bandhwari municipal dumpsite. The damage was assessed with a consideration that there is no major polluting industries existing in nearby vicinity other than the dumpsite. The study estimates a total incurred damage of about ₹ 148.46 Crore due to externalities from Bandhwari dumpsite. The breakup is shown in Table 22. The cost for damages includes drivers of externalities like greenhouse gas emissions, air pollution, water pollution, soil pollution and aesthetic loss.

Table 22: Break Up of Monetary Estimation of Damages (reported in 2019 values)

Environment	Estimated Damage Cost in Lakhs, INR
Air	Nil
Water	2900
Soil	31*
Climatic (for last 5 years)	7,000
Aesthetic	4,946
Total	14,846

*Soil value is not considered in total, to avoid double-counting, as it based on total quantum of heavy metal from leachate which is considered in water as well.

The valuation of damages is done for greenhouse gas emissions using social cost of carbon approach recommended by USEPA. The social cost of carbon is indirect measure of loss in economy due to emission of CO₂ and is contributing by 73% of total damage due to Bandhwari municipal dumpsite. Air pollution damages are not valued as the emissions hardly breach the limits and the area in which emissions are higher, no population exposure is there. Further, the leachate contaminated groundwater and soil damages are valued using cost transfer method and Extern report valuations. Groundwater sample analysis shows lead and nickel exceeding the BIS standards at sampling locations near the

dumpsite. Groundwater beneath the dumpsite showed high contamination due to heavy metals such as Cr, Cu, Pb & Ni. Physiochemical characteristics such as BOD, COD, SS, N, P of the treated leachate showed higher concentration and have contributed to half of the total damage cost in water environment. The leachate is valued for the damages which it can cause due to contamination of soil and water. The damages to water are considered as overall damages. The total quantum of heavy metals due to leachate is fixed and is used for valuation for both soil and water, however, higher damages are seen for water and hence considered in total. Aesthetic losses due to dumpsite are valued using hedonic pricing method. GHG emissions are a part and parcel of any dumpsite. If proper control systems are kept in place these emissions can be controlled and may be utilized as well and hence maximum damages can be averted. Leachate also should be controlled and treated scientifically.”

Use of reclaimed land occupied by legacy waste sites

32. As already mentioned earlier, legacy waste dump sites have resulted in huge damage to the environment and population in the vicinity of such dump sites who have suffered in safety, health and comfort. For compensating them for such damage, one third of land occupied by legacy dump sites (on reclamation) needs to be reserved for dense forest and in the process of afforestation, Campa Funds can be utilized in accordance with the provisions of Compensatory Afforestation Fund Management and Planning Authority Act, 2016 (CAMPA Act). One third of reclaimed land out of the said dump site needs to be reserved for integrated waste management facilities. Remaining one third can be used for any other purpose, consistent with the above purposes, including a part of it being utilized for monetizing, if funding is required for tackling the legacy waste. Legacy waste clearance has to be in minimum further time as laid down statutory timelines have already expired and serious damage is taking place. It may be noted that remediation of legacy sites may be one time affair and such situations should not arise in future. User of land, to be reclaimed, needs to be declared in advance so that further steps can be taken in that direction. This is in line with order of this Tribunal dated 11.10.2022 in OA No. 300/2022, In re: News item published in News 18 dated 26.04.2022 titled “Delhi: Massive Fire at Bhalswa Dump Yard, Fourth This Year; 13 Fire Tenders on Spot”. Relevant part thereof is quoted below:-

“xxxxxx.....xxx

37. Restoration measures will include scientific disposal of the accumulated garbage as per statutory Rules and environmental norms, fire control and mitigation measures, construction of boundary wall/bio-fencing by trees and shrubs/ afforestation, plantation, leachate treatment facility. Course of action planned and executed at other places⁴ where legacy waste dumpsites are reported to have been remediated may also be studied. Ground Water Authority may examine the extent of leachate flow into the ground water on which remedial action may be taken.

⁴such as Indore and Ahmedabad

38. It is to be ensured that current waste is not added to legacy waste dumpsites. After collection, the same be taken to the destination such as Integrated Waste Management Facility or stand alone Waste Management Facilities such as Composting Centres, C&D Waste Centres and RDF Units, Waste to Energy Units, Cement Factories, Road Construction and filling up identified low lying areas, as per norms. This requires careful planning and execution with the involvement of senior level officers instead of leaving the task to junior officers as appears to be currently happening. Precautions in light of report of the Committee headed by Justice S.P. Garg, retired Judge, Delhi High Court need to be taken forthwith. To control foul smell and improve aesthetics, turfing of landfill sites must be done forthwith either in the form of a boundary walls with necessary entry and exit gates or fencing by plantations of at least three rows of native fast growing and tall native trees requiring minimum water in the periphery of landfill sites as well as complying with other criteria for development of facilities at such sites following the provisions under the Schedule I of MSW Rules, 2016. A clear action plan with defined course of action needs to be drawn up after brain storming and studying the remediation processes adopted at other places. Consequences of overshooting timeline against identified officers/service providers may be specified and enforced. The Committee may consider undertaking visits to appropriate sites.

39. One of the crucial links in management of remediation work based on bio-mining and bio-remediation is the utilization and disposal of rejects like inert, RDF, stabilized bio-earth. Segregated fractions and components which are in high quantity be safely utilized and disposed. Bulk users of RDF, three waste to energy projects should utilize the RDF and if required enhance their capacity without compromising environmental norms and public safety.

40. To compensate the affected citizens of the area, the authorities are under obligation to develop dense forest in at least on one third of the land occupied by the dumpsite, after the sites are cleared. One third can be utilized for setting up Integrated Waste Management Facilities or other like infrastructure. The remaining one-third can be utilized for any other purpose, including raising of funds consistent with environment concerns without affecting the use of the two-third, as earlier mentioned. The authorities may explore setting up a tourism and recreational centre with the involvement of an appropriate agency on PPP or Hybrid Annuity Model or other mechanism so that investment is made which is allowed to be recovered from the tourists visiting such centres. Creation of an appropriate water body may be considered as part of such recreational centre. Possibility of setting up an Interpretation Centres at all the three sites to facilitate study for creating awareness for the citizens may also be considered.

41. Community involvement including the Welfare Associations, Educational Institutions, Volunteers, corporates, charitable and other social organisations and individuals may be explored. Such

involvement may be explored for plantation drives also. There is also need to strengthen the Control Room and set up Grievance Redressal Mechanism accessible to the citizens to extend immediate help in emergencies within a month.”

33. *The further execution plan thus, would include setting up of requisite waste processing plants (centralized and decentralized) for remaining 83 TPD and remediation of 33 lakh MT left out legacy waste. Bio-remediation/bio-mining process need to be executed as per CPCB guidelines and the stabilized organic waste from biomining as well as from compost plants need to comply with laid down specifications. Other material recovered during such processes is to be put to use through authorized dealers/handlers /users. Instead of creating more dumping sites for waste generated on day-to-day basis, waste processing plants of adequate capacity should be set up so that no further legacy waste is generated. It may be worthwhile to take into consideration guidelines on the subject issued by the Ministry of Urban Development, GoI titled “Waste to Wealth” on 2.10.2017 under Swachh Bharat Mission.⁵*

xxxxxx.....xxx

38. *Sewage can be processed by cost-effective methods at least at several identified locations with least expenses. Decentralized and the prefabricated/modular treatment plants can be explored, apart from imposing condition of ZLD on industries, Group Housing Societies etc. Reduced load can be processed partly with the help of water using commercial establishments requiring water for their processes enforcing consent conditions in CTEs and CTOs whereby State’s financial burden can be reduced.*

39. *In this context, the draft Notification of MoEF&CC dated 25.02.2022⁶ etc. and the relevant part of the draft Notification in context of sewage and solid waste management is reproduced below:*

“xxxxxx.....xxx

C. Management of sewage/waste water, Reuse and recycle of treated wastewater by dual plumbing system

10. Dual Plumbing System shall be implemented - one for supplying fresh water for drinking, cooking and bathing etc. and another for supply of treated water for flushing.

11. Only treated water shall be used for flushing.

12. In no case, sewage or untreated waste water generated within the project area shall be discharged through storm water drains or otherwise into water bodies nor discharged/injected into the ground water by any mode.

13. Subject to Clause (3) of this notification, the project authority may opt or avail to common off-site treatment facility, as

⁵<http://cpheeo.gov.in/upload/5abc86de40012WastetoWealth2Oct.pdf>

⁶<http://www.indiaenvironmentportal.org.in/files/file/Building%20Construction%20Environment%20Regulations%202022.pdf>

feasible, for treatment with reuse & recycle of corresponding quantity of treated water through the dual plumbing system for flushing and other non-potable use.

A. For projects with built up area of 5,000 sq. mtrs. to 20,000 sq. mtrs. –

i. In areas where there is no municipal sewage network,

- a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

OR

- b. In case of usage of septic tank, only black water shall be discharged in the septic tank. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

The excess treated water should conform to the general discharge norms of CPCB/MoEF&CC.

ii. In areas where there is municipal sewage network

- a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

OR

- b. The project authority may opt to discharge only black water in such municipal sewage network subject to availability of trunk sewer line. For this purpose, two separate pipeline network– one for black water discharge and other for collection of grey water shall be installed. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

B. For projects involving built-up area of 20,000 sq. mts. or more –

14. Subject to Clause (3) of this notification, Onsite Sewage Treatment Plant with capacity to treat 100% waste water

generated within the project area through tertiary treatment shall be installed. Treated waste water shall be reused on site for landscape, flushing, HVAC, fire-fighting, and other end-uses.

15. The adequacy of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the authorized agency.

16. Discharge of excess treated wastewater outside the premises, after treatment in STP, should meet the discharge standards as notified by CPCB/MoEF&CC from time to time.

17. Wastewater and treated water quantification system through metering/sub-metering shall be installed.

18. Sludge from the onsite sewage treatment shall be collected, conveyed and disposed as per the Central Public Health and Environmental Engineering Organization (CPHEEO) Manual, Ministry of Housing and Urban Affairs, on Sewerage and Sewage Treatment Systems.

19. Where Common Sewage Treatment Plan facility has been availed, it shall be ensured that treated waste water is recycled back to respective building for reuse.

D. Solid Waste Management

20. Subject to Clause (3) of this notification, onsite solid waste management facility should be developed and a formal contractual arrangement shall be ensured with authorized recyclers/concerned municipal agency for disposal of all non-biodegradable waste.

21. Subject to Clause (3) of this notification, where there is no alternate arrangement for disposal of biodegradable waste, Organic waste composter/Vermiculture pit with a minimum capacity of 1.0 kg/150 sqm. of built-up area/day shall be installed & operated.”

Maintaining sources of clean water (rivers, storm water drains and water bodies – lakes, wetlands etc.) free from treated or untreated sewage, channelizing treated sewage for non potable purposes

40. We also find that sanctity and significance of natural storm water drains needs to be maintained. Storm water drains, if left unpolluted, can be source of drinking water for humans, birds, animals or aquatic life and discharge of sewage or even treated water which is not of standard of drinking water, seriously affects such drinking water resource adversely affecting their health. They are not to serve as sewage carrier. The Tribunal has comprehensively dealt with this issue on 03.08.2022 in OA No. 1002/2018, Abhisht Kusum Gupta vs. State of Uttar Pradesh &Ors. Thus, in the State, rivers, streams, ponds and lakes should be maintained for their pristine quality.

xxxxxx.....xxx

42. As already observed, there is need for planning to prevent sewage (treated or untreated) entering the potable water resources. Instead, the same is to be suitably treated and channelized for non-potable purposes – agriculture, industrial or others. By way of illustration, we may refer to certain models which can be considered at appropriate locations. The same have been mentioned in order of this Tribunal dated 11.10.2022 in M.A. No. 43/2022 in OA No. 41/2020, Pushpendra Kumar vs. Nagarpanchayat, Kadaura&Ors., as follows:

“5. In this regard, we have drawn their attention to Seechewal Model⁷, Karnal Technology of sewage treatment and zero discharge and manual on sewerage and sewage treatment systems- 2013 (chapter7), issued by the Central Public Health & Environmental Engineering Organisation (CPHEEO), Ministry of Urban Development, GoI, which provide for inexpensive and simple methods of treatment of waste water, its utilization for irrigation and other secondary purposes. The said models are briefly described as follows:-

Seechewal Model

- Provides for use of treated wastewater for irrigation in order to conserve precious surface freshwater and groundwater. The process involves passing waste water through four well for cleaning the waste water and thereafter use of such treated water for irrigation. The process can be undertaken by communities through collective approach.

Karnal Technology Of Sewage Treatment & Zero Discharge.

- Involves growing trees/plants on ridges with one meter wide and 50cm height and irrigated by treated effluent in furrow. The technique utilizes entire biomass present in wastewater and provides nutrient to soil and plants. By this method forest plants/trees can be grown which can be used for firewood and timber. By this technique no chance of pathogen, heavy metals or organic compounds enter the food chain. Tree species like Eucalyptus, Leucaena can be grown.

Central Public Health & Environmental Engineering Organisation (CPHEEO)

Manual on Sewerage and Sewage Treatment Systems – 2013 (Chapter 7)

- Provides various case studies of utilization of treated sewage and its reuse as cooling water in power plant, in airport, in petroleum refinery, fish culture (like at Mudiali, Kolkata), road washings, ground cooling, boilers and also in agriculture. In agriculture the suitability of treated sewage is dependent upon soil, salt tolerance of the crop, in

⁷<https://www.civildaily.com/news/seechewal-model-of-wastewater-management/>

ake of minerals and climate conditions. Sewage conforming to specified norms can be applied to selected species of food crops into soil by strip, basin or furrow irrigation. Sprinkler irrigation could be used with treated sewage. During rainy and non irrigating seasons, the treated sewage can be held in lagoons or undertaken irrigation in addition all land/wasteland including resorting to artificial recharge of groundwater.”

The above models may help in planning that medium and small towns and the Rural areas need not focus on high cost technology in the first instance. Central Public Health and Environment Engineering Organization (CPHEEO), Ministry of Housing and Urban Affairs dealt with the matter in its instructions titled “Municipal Used Water Treatment Technology for Medium and Small Towns”⁸ in September 2022.

43. Restoration measures with respect to sewage management need to include identification of sites for setting up of sewage treatment and utilization systems, upgrading systems/operations of existing sewage treatment facilities to ensure utilization of their full capacities, ensuring compliance of standards, including those of fecal coliform and setting up of proper fecal sewage and sludge management in rural areas. STPs need to have co-treatment facilities of septage rather than having isolated FSTPs. Guidelines of SBM - U 2.0 may be referred to in this respect. For urban areas, SBM-U 2.0 provides co-treatment of fecal sludge at STPs with sewage for which exclusive funding provisions are made under ringfenced accounts.

Utilisation of already set up STPs

44. We have found that even where STPs of adequate capacity have been set up, the capacity is not fully utilized and standards of water quality not always met. This aspect needs to be looked into on continuous basis by a centralised mechanism which may be set up preferably within a month.

45. Sewage treatment facilities adopted in terms of septic tank/soakpit/FSTP particularly for rural areas and villages may be reviewed in view of health, hygiene and the guidelines of MoUD.

Need to consider change in approach for administrative processes

46. We have suggested change in approach in realizing that remedial action cannot wait for indefinite period nor loose ended time lines without accountability can be a solution. Responsibility of the State is to have comprehensive time bound plan with tied up resources to control pollution which is its absolute liability. If there is deficit in budgetary allocations, it is for the State alone to have suitable planning by reducing cost or augmenting resources. People must be involved in the problem by appropriate awareness and

⁸<https://sbmurban.org/storage/app/media/rr-final-signed.pdf>

strategies to encourage public participation and contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates breach of which has taken place frequently in the past without accountability is not a convincing solution. It is poor substitute for compliance within laid down timelines for long past. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps.

47. *It is the mindset and determination to act in a mission mode which can produce results.*

48. *Thus, it may be necessary to brain storm with available experts and other stake holders in the State at different levels, evolve models for both solid and sewage management which can be fast replicated, initiate special campaigns with community/ media involvement in the larger interest of protecting environment and public health with determination for prompt action. Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community involvement may result in reducing the financial and administrative load on the administration. The Chief Secretary may also entrust responsibility to senior secretaries to monitor waste management for establishments governed by non-municipal entities like Defense, BHEL, or others.*

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Adhering to the timelines

50. *Since the issue has been pending since long and there are adverse effects of continuing delay on environment and public health, it cannot be a matter of satisfaction that some steps are taken till the entirety of the problem is tackled on war footing. Planning has to be to resolve the problem without any further delay, in shortest possible time. Whatever timeline is laid down, it should not be breached. If breached, adverse consequences for such failures must follow on the designated accountable officers instead of loose-ended processes.*

Community involvement

51. *Another important subject is community involvement not only for IEC activities but also for planning and execution of waste management activities. Welfare associations, corporates, religious, educational and charitable institutions can play their role. The District Environment Plans must have authentic and updated database which can be helpful for policy making and execution of projects. Regularly monitor of bridging of gaps in sewage and solid waste management in 52 districts is required by the Chief Secretary through a suitable nodal officer, preferably of the rank of Additional Chief Secretary.*

Further observations to explore implementation mechanism

52. *In the light of observations in para 27 to 51 above, it appears that there is need for paradigm shift in handling of the situation. The nagging problem of waste management stares the administration in*

the face and remains unresolved to the detriment of environment and public health. First change required is to set up a **centralized single window mechanism for planning, capacity building and monitoring of waste management at the State level**. Of course, local authorities have to do their duty and stocktaking at the district levels may continue but subject to supervision and control of such mechanism. **It should be headed by an officer of the rank of Additional Chief Secretary with representation from concerned departments – Urban Development, Rural Development, Environment and Forest, Agriculture, Water Resources, Fisheries and Industries**. The mechanism should be working on fulltime basis. Its functions should include preparing a comprehensive blue print, periodic review of progress in bridging the gaps in sewage and solid waste management and establishing, continuous interaction with the stakeholders, including experts and institutions, concerned departments, community members and all other stakeholders. There must be a continuous training programme for those involved in execution of waste management projects. It should be responsible for selecting service providers and simplifying procedures for fixing terms of engagement. Best practices are to be evolved and followed.

53. Mechanism be considered to engage service providers by due diligent process who may execute work relating to solid and sewage management simultaneously throughout the State – all districts, cities and towns. Selection of service providers may be done taking into account of his past performance and number of projects and capacity to handle successfully.

54. “Integrated Solid Waste Management for local Governments a practical guide”⁹ brought out by Asian Development Bank published in 2017 details out solid waste management, planning and segregation of waste categories, waste collection methods, waste processing, waste to energy and diversion land fill development, operation and its management of landfill and also including contract issues by involving public private partnership. The document has been prepared based on the experience and the practices followed in several Asian Countries. The Govt of Madhya Pradesh may look into and consider this report to handle solid waste generated, particularly the cost effective technologies mentioned in the report.

Need for compliance of statutory duties by specified authorities under SWM Rules and monitoring by NMCG and MoUD for centrally assisted/sponsored schemes

55. Under the Solid Waste Management Rules, 2016, statutory authorities for various actions have been specified. **Under Rule 5**, a Central Monitoring Committee (CMC) is to be constituted headed by the Secretary, MoEF&CC with representation from Ministries of Urban Development, Rural Development, Chemicals and Fertilizers, Agriculture, CPCB, State PCBs/PCCs, Urban and Rural Development Departments, Urban Local Bodies and Towns from the of the States, FICCI, CII and subject experts. The CMC is to meet once in a year.

⁹<https://www.adb.org/sites/default/files/institutional-document/324101/tool-kit-solid-waste-management.pdf>

The Ministry of Urban Development has to coordinate with the States/UTs **under Rule 6** for periodic review and formulation of National Policy and strategies and taking other measures. **Under Rule 7**, the Department of Fertilizers, Ministry of Chemical and Fertilizers have to provide market development assistance for compost and promote marketing of such compost. **Under Rule 8**, Ministry of Agriculture has to evolve mechanism for utilization of compost. **Under Rule 9**, Ministry of Power has to decide compulsory purchase and tariff issues. **Under Rule 10**, Ministry of New and Renewable Energy Sources has to facilitate infrastructure creation and provide for subsidy. **Under Rule 11**, the concerned Secretaries of Urban Development have to prepare State Policy and Management strategies and the Town Planning Department has to ensure setting up waste processing and disposal facilities and take other enumerated actions. **Under Rule 12**, the District Magistrates have to identify suitable lands and review performance of local bodies. **Under Rule 13**, the Secretaries of Panchayats have also to perform similar duties. **Under Rule 14**, CPCB is to coordinate with State PCBs and formulate standards of ground water, ambient air quality, noise, etc. **Under rule 15**, local authorities have to prepare solid waste management plans, collection of waste and coordination with the other stakeholders for enumerated steps. **Under Rule 16**, the SPCBs/PCCs have to enforce the rules and monitor compliances. **Under Rule 17**, there are duties of private bodies, including the manufacturers to be monitored by the State Bodies. **The timelines are provided in Rule 22** for various steps. Last timeline of 5 years from the Rules expires on 7.4.2021. There is also provision for audit and submitting of annual report **under Rule 24**. Since there has been large scale non-compliances of the said rules, all the concerned authorities need to review the progress and perform their responsibility in accordance with law. The MoEF&CC has to finally monitor compliance, as already mentioned.

56. In view of continuing huge gap in solid and liquid waste generation and treatment, it is high time that Ministry of Housing and Urban Development (MoUD) and National Mission for Clean Ganga (NMCG) who have programmes like Swachh Bharat Mission (SBM – Urban 2.0)¹⁰, AMRUT 2.0¹¹, Swachh Bharat Mission (Grameen)¹² and River Cleaning, appropriately monitor compliance of waste management norms by concerned States/UTs and take remedial action on their part. Central Funding and State budgetary provisions need to be adequately allocated and apportioned keeping in view of environment compensation which is based on the restoration work estimate. While granting/dispersing funds to States/UTs, execution mechanism for centralized tendering at the State level to overcome delays at each city/town level may be considered. This may facilitate timely utilization of funds. MoEF&CC and CPCB may continue monitoring as per MSW Rules and the Water Act. MoUD and NMCG may also note the gaps reported by the States and UTs in solid and liquid waste management. MoUD may further consider to render proper financial and technical support to States and UTs and also keeping in view of Environment Compensation (EC) either directed by

¹⁰<https://sbmurban.org/storage/app/media/pdf/swachh-bharat-2.pdf>

¹¹<https://mohua.gov.in/upload/uploadfiles/files/AMRUT-Operational-Guidelines.pdf>

¹²https://jalshakti-ddws.gov.in/sites/default/files/sbm-ph-II-Guidelines_updated_0.pdf

the Tribunal or States having given statements to ringfenced EC at their own level.

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60. The Chief Secretary Madhya Pradesh fairly accepts that there is gap of about 1500 MLD in sewage generation and treatment. In normal circumstances, the State would be liable to pay compensation of Rs. 3000 crore at the scale of compensation fixed in other States. However, it is pointed out that in Madhya Pradesh, already more than Rs. 9000 crores stands allocated on the subject. There are ongoing sewerage projects for 465 MLD for which amount of Rs 2366 crore stands ring-fenced. Further, amount of Rs 7388 crore stands ring-fenced for sewage treatment facilities which is approved by State cabinet under the AMRUT 2.0 and SBM 2.0 schemes. Out of the said amount, Rs 4657 crore is the State share while Rs 2731 crore is Government of India's share, in a phased manner. It is submitted that even if GoI fails to comply with its commitment of Rs. 2731 crore, the State of Madhya Pradesh would abide by its commitment of Rs 4657 crore for the treatment of wastewater in a scientific manner. Thus, the State has made provision for Rs. 9688 crores in a ring-fenced manner for wastewater treatment. In these circumstances, there does not appear to be a case for levy of compensation but the State will be bound by this stand and allocation of funds and must make meaningful progress in the matter in next six months."

9. The above observations may be kept in mind by the Chandigarh Administration to the extent found viable.

10. With regard to the issue of compensation for past violations beyond laid down timelines, we accept the prayer of Advisor to Administrator that instead of levying compensation, the Administration itself may ensure availability of funds at least to the extent of Rs. 282 Crores by transferring the amount in a separate ring-fenced account, to be operated as per directions of the Advisor to Administrator. This will not debar incurring expenditure over and above the said amount of Rs. 282 Crores, if found necessary for solid and liquid waste management. The Advisor to Administrator may review progress of work atleast once a month as already directed in para 39 of the order in respect of Chandigarh dated 18.08.2022 and as per para 52 of the order in case of Madhya Pradesh in OA 606/2018.

Directions:

- i. Installed capacity of 8 existing/upgraded and renovated and new STPs be fully utilized to their capacity and made compliant with the standards preferably within four months.
 - ii. Treated water be utilized for secondary purposes, including industries and irrigation. If necessary, conveyance/distribution system be laid preferably in next six months.
 - iii. Gap in waste processing be plugged by setting up of additional facilities to process bio-degradable and non-biodegradable and other waste estimated to be 468 TPD, preferably within four months alongwith the legacy waste of 5.5 lakh MTs.
11. Six monthly progress reports in the matter may be filed with the Registrar General of this Tribunal by e-mail as directed in the case of West Bengal quoted above for review at appropriate time. If found necessary, RG may place the matter before the Bench for further directions.

Subject to above, the proceedings are closed.

A copy of this order be forwarded to Advisor to Administrator, Chandigarh by e-mail for compliance.

A copy of this order be also forwarded to the Secretary, Ministry of Housing and Urban Development, MoEF&CC, GoI, Secretary, Ministry of Defence, GoI, DG, MES, DG Defence Estates, Ministry of Chemicals and Fertilizers, GoI, Ministry of Agriculture, GoI, National Mission for Clean Ganga and CPCB for further necessary action.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

May 18, 2023
Original Application No. 606/2018



उ० प्र० प्रदूषण नियन्त्रण बोर्ड
 क्षेत्रीय कार्यालय: 1219/1, ई-ब्लॉक राजेन्द्र नगर, बरेली-243 122
 U. P. POLLUTION CONTROL BOARD
 Regional Office: 1219/1, E-Block, Rajendra Nagar, Bareilly-243 122

सन्दर्भ संख्या:- 1107/एन०जी०टी०-590/2025/2026

दिनांक 11-3-26.

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-7)
 उ० प्र० प्रदूषण नियन्त्रण बोर्ड
 लखनऊ।

विषय:- मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं० 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 19.02.2026 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं० 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 19.02.2026 का संदर्भ ग्रहण करने की कृपा करें। उक्त आदेश के अनुपालन हेतु इस कार्यालय के प्राधिकृत अधिकारी द्वारा दिनांक 09.03.2026 को प्रश्नगत स्थल का निरीक्षण किया गया। निरीक्षण आख्या पत्र के साथ संलग्नकर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित की जा रही है।

संलग्नक-उपरोक्तानुसार।

भवदीय

 क्षेत्रीय अधिकारी

मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में पारित ओ0ए0 सं0 590/2025 "नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य" मे पारित आदेश दिनांक 19.02.2026 के अनुपालन में स्थल निरीक्षण आख्या-

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 सं0 590/2025 "नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य" मे पारित आदेश दिनांक 19.02.2026 में मुख्य अंश निम्नवत् है-

"....9. Learned Counsel for respondent no.1-Ministry of Railways submits that railways is cleaning the site. Hence, we direct the respondent no.1 to clean the entire solid waste lying dumped at the site within two weeks. Immediately, thereafter, respondent no.4 will carry out the site inspection and if solid waste is found to be dumped there, it will initiate action for levy of environmental compensation upon respondent no.1.

10. Let further action taken report be submitted by UPPCB within four weeks.

11. List on 15.05.2026".

उक्त आदेश के अनुपालन में इस कार्यालय पत्र सं0 1056/एन0जी0टी0-590/2025/2026 दिनांक 23.02.2026 के माध्यम से वरिष्ठ मण्डल इंजीनियर (समन्वय) कार्यालय मण्डल रेल प्रबंधक, इंजी0, पूर्वोत्तर रेलवे/इज्जतनगर, बरेली को उक्त आदेश के क्रम में कृत कार्यवाही की आख्या उपलब्ध कराने हेतु पत्र प्रेषित किया गया (छायाप्रति संलग्न)। जिसके परिप्रेक्ष्य में वरिष्ठ मण्डल इंजीनियर, पूर्वोत्तर रेलवे, इज्जतनगर, बरेली द्वारा अपने पत्र सं0 ई/579/कोर्ट-केस/इ-4 दिनांक 24.02.2026 के माध्यम से नगर निगम, बरेली को पत्र प्रेषित किया गया, जिसमें प्रश्नगत रेलवे की भूमि पर डाले जा रहे मलबे, मिट्टी, गोबर, भूसा एवं डेरियों के मलबे की सफाई हेतु नगर निगम की सफाई टीम व मशीनरी लगाने का अनुरोध किया गया है (छायाप्रति संलग्न)।

तत्कम में प्रभारी अधिकारी (एस0डब्लू0एम0) नगर निगम, बरेली द्वारा अपने पत्र सं0 137/एस0टी0/प्रा0अधि0/एस0डब्लू0एम0/एनजीटी/2025-26 दिनांक 09.03.2026 के माध्यम से वरिष्ठ मण्डल इंजीनियर, पूर्वोत्तर रेलवे, इज्जतनगर, बरेली को अनुरोध किया गया है कि उक्त रेलवे की निजी भूमि, जो कि शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन, बरेली के मध्य अवैध रूप से डम्प ठोस अपशिष्ट (कूड़ा) की मात्रा की गणना कराते हुये प्रतिटन 1180.00/-रु0 की दर से धनराशि के उठान एवं निपटान हेतु नगर निगम, बरेली के सम्बन्धित खाते में जमा कराया जाये, जिसके उपरान्त नगर निगम, बरेली द्वारा अग्रिम कार्यवाही किये जाने से अवगत कराया गया है (छायाप्रति संलग्न)।

अग्रेतर अद्योहस्ताक्षरकर्ताओं द्वारा रेलवे के प्रश्नगत स्थल का संयुक्त निरीक्षण श्री अखिलेश, सहायक अभियन्ता, पूर्वोत्तर रेलवे इज्जतनगर की उपस्थिति में दिनांक 09.03.2026 को किया गया। निरीक्षण के समय पाये गये तथ्य निम्नवत् है-

1. प्रश्नगत शिकायती स्थल पूर्वोत्तर रेलवे द्वारा अनुप्रयुक्त मीटरगेज रेलवे ट्रैक (लम्बाई लगभग 2.6 कि0मी0) शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन, बरेली के मध्य स्थित है, जो कि विगत लगभग 30 वर्षों से अनुप्रयुक्त अवस्था में होने के कारण रेलवे लाइन के दोनों ओर रेलवे विभाग की रिक्त भूमि पर अतिक्रमण एवं नगरीय ठोस अपशिष्ट, गोबर, मलबा इत्यादि डम्प पाया गया, फोटोग्राफ्स निम्नवत् है-



2. पूर्व में इस कार्यालय द्वारा किये गये निरीक्षण दिनांक 15.12.2025 में पायी गयी उपरोक्त वर्णित कमियों के सम्बन्ध में राज्य बोर्ड के पत्र सं0 एच 36970/सी-7/ओ0ए0नं0-590/2025-26 दिनांक 20.01.2026 के माध्यम से मण्डल रेल प्रबंधक, बरेली पूर्वोत्तर रेलवे इज्जतनगर, बरेली को प्रश्नगत स्थल पर अवैध रूप से डम्प ठोस अपशिष्ट का निस्तारण कराये जाने हेतु पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा-5 के अन्तर्गत निर्देश जारी किये गये है (छायाप्रति संलग्न)।
3. वरिष्ठ मण्डल इंजीनियर/सम0, पूर्वोत्तर रेलवे, इज्जतनगर द्वारा अपने पत्र सं0 इ-579/कोर्ट-केस/ इ-4/817 दिनांक 05.02.2026 के माध्यम से राज्य बोर्ड द्वारा जारी निर्देश दिनांक 20.01.2026 के सम्बन्ध में अपना प्रतिउत्तर/कृत कार्यवाही की

[Signature]

[Signature]

आख्या बोर्ड मुख्यालय प्रेषित की गयी है, जिसकी छायाप्रति इस कार्यालय को पृष्ठांकित की गयी है। उक्त पत्र के माध्यम से अवगत कराया गया है कि प्रश्नगत रेलवे की भूमि पर अतिक्रमणों को हटाने हेतु आर०पी०एफ० के साथ संयुक्त सर्वे करके अतिक्रमणों को चिन्हित कर लिया गया है एवं नोटिस प्रेषित किये गये हैं एवं दिनांक 03.02.2026 को स्थानीय पुलिस और प्रशासन के सहयोग से श्यामगंज यार्ड के पास स्थित समपार से लेकर 500मी० की लम्बाई में इज्जतनगर की ओर रेल पथ के दोनों अवैध रूप से किये गये 55 नग अतिक्रमणों को सफलतापूर्वक हटा दिया गया है तथा रेलवे की भूमि पर बाहरी व्यक्तियों के प्रवेश को रोकने हेतु बैरिकेडिंग का कार्य किया जा रहा है, पत्र की छायाप्रति संलग्न है।

4. निरीक्षण दिनांक 09.03.2026 के दौरान पाया गया कि पूर्वोत्तर रेलवे द्वारा प्रश्नगत स्थल पर अतिक्रमण को हटाये जाने सम्बन्धी कार्यवाही प्रारम्भ की जा रही है तथा मुख्य मार्ग से बाहरी व्यक्तियों के प्रवेश को रोकने हेतु लोहे की बैरिकेडिंग का कार्य किया गया है। फोटोग्राफस निम्नवत् है-



5. दिनांक 09.03.2026 को किये गये स्थलीय निरीक्षण एवं वरिष्ठ मण्डल इंजीनियर, पूर्वोत्तर रेलवे इज्जतनगर द्वारा प्रेषित प्रतिउत्तर दिनांक 05.02.2026 के अवलोकन से स्पष्ट है कि राज्य बोर्ड द्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा-5 के अन्तर्गत जारी निर्देश के अनुपालन में प्रश्नगत स्थल से ठोस अपशिष्ट को नहीं हटाया गया है तथा प्रश्नगत क्षेत्र में जल भराव की समस्या पूर्वानुसार पायी गयी, जिससे परिलक्षित होता है कि राज्य बोर्ड द्वारा जारी निर्देश दिनांक 20.01.2026 का अनुपालन नहीं किया गया है।
6. उल्लेखनीय है कि प्रश्नगत रेलवे की भूमि पर रेलवे लाइन के दोनों ओर ठोस अपशिष्ट जिसमें नगरीय ठोस अपशिष्ट, मलबा, गोबर, हॉर्टिकल्चर वेस्ट आदि सम्मिलित है, लगभग 2.1 कि०मी० की दूरी में फैले होने के कारण डम्प किये गये ठोस अपशिष्ट की वास्तविक मात्रा का आंकलन किया जाना सम्भव नहीं हो पाया, किन्तु निरीक्षण के समय ठोस अपशिष्ट की अनुमानित मात्रा लगभग 1500 से 2000मी०टन पायी गयी, जिसका वास्तविक आंकलन कार्यदायी संस्था द्वारा किया जाना अपेक्षित है। इस सम्बन्ध में निरीक्षण के समय उपस्थित पूर्वोत्तर रेलवे के अधिकारी द्वारा अवगत कराया गया कि वरिष्ठ मण्डल इंजीनियर/सम०, पूर्वोत्तर रेलवे इज्जतनगर, बरेली द्वारा प्रभारी अधिकारी, नगर निगम, बरेली को उक्त ठोस अपशिष्ट की अनुमानित मात्रा का आंकलन किये जाने के सम्बन्ध में पत्र प्रेषित किया गया है तथा नगर निगम, बरेली द्वारा निर्धारित दर पर कार्य किये जाने हेतु पूर्वोत्तर रेलवे की ओर से सहमति व्यक्त की गयी है, पत्र की छायाप्रति संलग्न है।
7. अग्रतर उल्लेखनीय है कि मा० उच्च न्यायालय, इलाहाबाद लखनऊ खण्ड पीठ द्वारा रिट-सी 4816/2024 **SUEZ India Pvt. Ltd. through its chairmen and 06 ors.** में पारित आदेश दिनांक 17.07.2025 के अंश निम्नवत् है-
- ".....(82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation."

उपरोक्त आदेश के प्रभावी रहते राज्य बोर्ड को पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की अधिकारिता नहीं है। उक्त आदेश के प्रभावी रहते किसी भी इकाई के विरुद्ध बोर्ड द्वारा पर्यावरणीय क्षतिपूर्ति अधिरोपित किया जाना अवमानना की श्रेणी में आ सकता है। अग्रतर मा० सिविल अपील सं० 757-780/2013 डीपीसीसी बनाम लोधी प्रापर्टी कंपनी लि० व अन्य में पारित निर्णय दिनांक 04.08.2025 के अनुक्रम में पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने सम्बन्धी सिद्धान्त एवं प्रक्रिया/प्राकृतिक न्याय के सम्बन्ध में अधीनस्थ विधायन आने के उपरान्त पर्यावरणीय क्षतिपूर्ति अधिरोपित की जा सकती है।

उपरोक्त तथ्यों को दृष्टिगत रखते हुये मा० एन०जी०टी० द्वारा पारित आदेश दिनांक 19.02.2026 के अनुपालन में वरिष्ठ मण्डल इंजीनियर/सम०, पूर्वोत्तर रेलवे इज्जतनगर, बरेली के विरुद्ध नियमानुसार पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने सम्बन्धी प्रकरण पर अन्तिम निर्णय बोर्ड मुख्यालय स्तर से लिये जाने की संस्तुति सहित निरीक्षण आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।



(सुनील कुमार)
वैज्ञानिक सहायक



(अंशुल शर्मा)
सहायक पर्यावरण अभियन्ता

क्षेत्रीय अधिकारी



पूर्वोत्तर रेलवे



कार्यालय,
मण्डल रेल प्रबन्धक, इंजी०
इज्जतनगर
दिनांक 24.02.2026

पत्र संख्या इ/579/कोर्ट-केस/इ-4
सेवा में,

श्रीमान नगर आयुक्त,
नगर निगम, बरेली, उ०प्र०।

विषय:- माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ०ए० संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 19.02.2026 के अनुपालन हेतु शहदाना (श्यामतगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य अवैध रूप से डम्प ठोस अपशिष्ट (कूड़ा) का निस्तारण कराये जाने हेतु आपके सहयोग के सम्बन्ध में।

संदर्भ:- क्षेत्रीय अधिकारी/उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड बरेली का पत्र संख्या-1056/एन०जी०टी०-590/2025/2026 दिनांक 23.02.2026 (संलग्न)

क्षेत्रीय अधिकारी/उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड बरेली के संदर्भित पत्र एवं माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ०ए० संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 19.02.2026 (संलग्न) के अनुपालन हेतु शहदाना (श्यामतगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य अवैध रूप से डम्प ठोस अपशिष्ट (कूड़ा) का निस्तारण/हटाये जाने हेतु आपके सहयोग की आवश्यकता है।

कृपया रेल भूमि पर डाले जा रहे मलबे, मिट्टी, गोबर, भूसा एवं डेरियों का मलबा आदि की सफाई हेतु नगर निगम की सफाई टीम व मशीनरी लगाने का कष्ट करें।

आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्न- यथोपरि।

वरिष्ठ मंडल इंजीनियर/सम०,
पूर्वोत्तर रेलवे/इज्जतनगर।

प्रतिलिपि- निम्नलिखित को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- श्रीमान जिलाधिकारी बरेली।
- 2- क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड बरेली।
- 3- श्री राम गोपाल, मुख्य पर्यावरण अधिकारी, वृत्त-7, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, टी०सी०/12वी, विभूति खंड लखनऊ, पिन- 226010, फोन- 2720831
- 4- श्री शशांक दीक्षित, रेलवे अधिवक्ता/नई दिल्ली, कार्यालय- 125 ब्लॉक-सी०, डिफेन्स कालोनी, नई दिल्ली, पिन- 110024 को माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में रेलवे की ओर से जबाब दाखिल करने हेतु सादर प्रेषित।


वरिष्ठ मंडल इंजीनियर/सम०,
पूर्वोत्तर रेलवे/इज्जतनगर।

कार्यालय नगर निगम बरेली।

पत्रांक:- 137 एस0टी0/प्र0अधि/एस0डब्लू0एम0/एन0जी0टी0/2025-26

दिनांक:- 09/03/2026

प्रेषक,

प्रभारी अधिकारी(SWM)

नगर निगम बरेली।

सेवा में,

वरिष्ठ मंडल इंजीनियर/सम0

पूर्वोत्तर रेलवे/इज्जतनगर।

ई-मेल drm@izn.railnet.gov.in

सन्दर्भ:-पत्र संख्या इ/579/कोर्ट-केस/इ-4/873 दिनांक 24.02.2026

विषय:-माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 19.02.2026 के अनुपालन हेतु शहदाना(श्यामगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य अवैध रूप से डम्प टोस अपशिष्ट(कूड़ा) का निस्तारण कराये जाने हेतु आपके सहयोग के संबंध में

महोदय,

कृपया उपर्युक्त विषयक कार्यालय मण्डल रेल प्रबंधक, इज्जतनगर के पत्र संख्या इ/579/कोर्ट-केस/इ-4/873 दिनांक 24.02.2026 का संदर्भ ग्रहण करने का कष्ट करें। उक्त पत्र के माध्यम से अवगत कराया गया है कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में वाद संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 19.02.2026 के अनुपालन में शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन, बरेली के मध्य अवैध रूप से उत्पन्न टोस अपशिष्ट (कूड़ा) के निस्तारण/हटाए जाने हेतु सहयोग का अनुरोध किया गया है।

उक्त संबंध में अवगत कराना है कि शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन, बरेली के मध्य उत्पन्न टोस अपशिष्ट (कूड़ा) का उक्त क्षेत्र पूर्वोत्तर रेलवे के अधिकार क्षेत्र में आता है। जोकि उक्त परिसर रेलवे की निजी भूमि है तथा मण्डल रेल प्रबंधक, इज्जतनगर के द्वारा अपने निजी परिसर से टोस अपशिष्ट (कूड़ा) के निस्तारण/हटाए जाने के सहयोग की अपेक्षा की गयी है चूंकि नगर निगम, बरेली द्वारा टोस अपशिष्ट प्रबंधन उठान एवं निपटान का कार्य पे-एंड-यूज प्रणाली के अंतर्गत प्रतिटन 1180.00 रुपये की दर से निस्तारण कराया जा रहा है।

अतः आपसे अनुरोध है कि उक्त रेलवे की निजी भूमि, जोकि शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन, बरेली के मध्य अवैध रूप से डम्प टोस अपशिष्ट (कूड़ा) के मात्रा की गणना कराते हुए प्रतिटन 1180.00 रुपये की दर से धनराशि को उसके उठान एवं निपटान हेतु नगर निगम बरेली के खाता संख्या 3647000100980707 IFSC:PUNB0364700 Punjab National Bank, Patel Chowk, Bareilly में जमा कराया जाना आवश्यक है। जिससे नियमानुसार आगे की कार्यवाही किया जाना सम्भव हो जा सके।

संलग्नक-यथोपरि।

प्रभारी अधिकारी(SWM)
नगर निगम बरेली।

प्रतिलिपि:-निम्नलिखित को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

01. जिलाधिकारी महोदय।
02. नगर आयुक्त महोदय।
03. मुख्य पर्यावरण अधिकारी, वृत्त-7, उ0प्र0प्रदूषण नियंत्रण बोर्ड।
04. क्षेत्रीय अधिकारी, उ0प्र0प्रदूषण नियंत्रण बोर्ड बरेली।

प्रभारी अधिकारी(SWM)
नगर निगम बरेली।

AE
Hf-1
9/3/26



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



सदरम सं०- H36970 / सी-7/0.11.110-590/2025-26

दिनांक- 20/01/26
पंजीकृत

सेवा में

मण्डल रेल पक्काक, बरेली,
पूर्वोत्तर रेलवे, इज्जतनगर,
मण्डल रेल पक्काक कार्यालय, इज्जतनगर बरेली
243122। दूरभाष - 0265 2638081
ई-मेल dmr@izn.railnet.gov.in

विषय माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 24.11.2025 के अनुपालन हेतु शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य अवैध रूप से डम्प ठोस अपशिष्ट (कूड़ा) का निस्तारण कराये जाने हेतु पर्यावरण (संरक्षण) अधिनियम-1986 की धारा-5 के अन्तर्गत निर्देश।

यह कि पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार द्वारा अधिसूचना संख्या-एलओ-1357(ई0) दिनांक 08.04.2016 द्वारा ठोस अपशिष्ट प्रबन्धन नियम-2016 प्रख्यापित किये गये हैं, जो कि उक्त अधिसूचना की दिनांक से प्रभावी है।

यह कि उक्त ठोस अपशिष्ट प्रबन्धन नियम-2016 के नियम-2 के अन्तर्गत उक्त नियमों को भारतीय रेल के अधीन क्षेत्रों में लागू होना प्राविधानित है।

यह कि माननीय राष्ट्रीय हरित अधिकरण में विचाराधीन ओ0ए0 संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 24.11.2025 निम्न निर्देश पारित किये गये हैं -

"1. In this Original Application (O.A), the Applicant has raised a grievance about illegal dumping of solid waste in a stretch of 2.6 Km. of unused meter gauge railway track adjacent to the new-leased Shyamganj railway station. The Applicant alleges that this stretch of the railway track has not been used for railway operations for past 30-35 years and on account of negligence of the Railway Authorities and the Municipal Corporation the entire area of the railway track and 50 meters from both side of the track has turned into illegal open dumping site for solid waste, toxic waste, construction debris, dairy waste etc. and this area has been encroached upon which is creating health hazard. The Applicant had earlier approached the Tribunal by filing an O.A No. 377/2025 which was disposed by the Tribunal by order dated 30.07.2025 permitting the Applicant to file a detailed complaint along with all the supporting material to the Member Secretary, UP PCB and the Member Secretary was directed to get the spot inspection done and ascertain the extent of violation of environmental norm and take appropriate remedial action within three months....."

यह कि माननीय राष्ट्रीय हरित अधिकरण द्वारा पारित उक्त आदेश दिनांक 24.11.2025 के अनुपालन में क्षेत्रीय कार्यालय उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, बरेली के अधिकारियों द्वारा याचिकाकर्ता श्री नितिन आनन्द निवासी-शहदाना कालोनी, मॉडल टाउन बरेली की उपस्थिति में दिनांक 15.12.2025 को प्रश्नगत शिकायती स्थल का निरीक्षण किया गया। प्रश्नगत शिकायती स्थल पूर्वोत्तर रेलवे द्वारा अनुप्रयुक्त मीटर गेज रेलवे ट्रैक (लम्बाई लगभग-2.6 किमी0) शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य स्थित है।

क०प०उ०

T.C/12V, Vibhuti Khand Gomti Nagar, Lucknow - 226010

Phone: 2720831, 2720828, 2720691 & 2720681 - Fax: 0522 - 2720764

Email: info@uppcb.in - Web Site: www.uppcb.in

(2)

यह कि उक्त शिकायती स्थल लगभग विगत तीस वर्षों से अनुप्रयुक्त अवस्था में है जिस कारण इज्जतनगर रेलवे के अन्तर्गत आच्छादित उक्त रेलवे लाइन के दोनों ओर शिवत भूमि पर अतिक्रमण होने एवं ठोस अपशिष्ट को डम्प किये जाने की समस्या व्याप्त है। याचिकाकर्ता के आवास के समीप प्रेम नगर कॉलोनी एवं मोडल टाउन के मध्य, माधीनगर एवं जनकपुरी कॉलोनी के मध्य, मॉडल टाउन एवं माधव बाड़ी के समीप रेलवे लाइन पर अतिक्रमण/अस्वास्थ्य आवास निर्माण एवं ठोस अपशिष्ट, गोबर, जल भराव, तथा दुर्गन्ध की समस्या व्याप्त पायी गयी।

यह कि उक्त निरीक्षण के दौरान याचिकाकर्ता द्वारा अवगत कराया गया है कि कार्यालय मण्डल रेल प्रबन्धक इजीनियर, इज्जतनगर पूर्वोत्तर रेलवे अपने पत्र संख्या-ई-विधि/आर0टी0आई0/ई-02 दिनांक 05/03/2024 के माध्यम से अवगत कराया गया है कि श्यामगंज यार्ड से इज्जतनगर रेलवे स्टेशन के रेल ट्रैक के उत्तर एवं दक्षिण में स्थित भूमि का स्वामित्व इज्जतनगर मण्डल, पूर्वोत्तर रेलवे के पास है।

अतः पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार द्वारा अधिसूचित ठोस अपशिष्ट प्रबन्धन नियम-2016 के प्राविधानों एवं माननीय राष्ट्रीय हरित अधिकरण में विचाराधीन आं0ए0 संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 24/11/2025 में पारित निर्देशों के अनुपालन हेतु बोर्ड को प्रदत्त शक्तियों के अधीन सक्षम अधिकारी के अनुमोदनोपरांत पर्यावरण (संरक्षण) अधिनियम-1986 की धारा-5 के अन्तर्गत आपको निम्न निर्देश जारी किये जाते हैं:-

- 1 यह कि पूर्वोत्तर रेलवे के अधीन अनुप्रयुक्त मीटर गेज, रेलवे ट्रैक शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य क्षेत्र पर अवैध अतिक्रमण को हटाये जाने हेतु नियमानुसार कार्यवाही सुनिश्चित की जाए।
- 2 यह कि पूर्वोत्तर रेलवे के अधीन अनुप्रयुक्त मीटर गेज, रेलवे ट्रैक शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य क्षेत्र पर डम्प ठोस अपशिष्ट, गोबर का निस्तारण ठोस अपशिष्ट प्रबन्धन नियम-2016 के प्राविधानों के अनुसार सुनिश्चित किया जाए।
- 3 यह कि पूर्वोत्तर रेलवे के अधीन अनुप्रयुक्त मीटर गेज, रेलवे ट्रैक शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य क्षेत्र में जल-भराव को वैज्ञानिक रूप से हटाया जाए तथा शिवत भूमि की साफ-सफाई सुनिश्चित की जाए।

आपको निर्देशित किया जाता है कि उक्त निर्देशों के सम्बन्ध में कार्यवाही पूर्ण करते हुए अनुपालन आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें, अन्यथा की स्थिति में आपके विरुद्ध पर्यावरणीय अधिनियमों के अन्तर्गत की गयी किसी भी प्रकार की कार्यवाही का पूर्ण उत्तरदायित्व स्वयं आपका होगा।

भवदीय,

Digitally signed by
RAM GOPAL

(रा.ग.गोपाल)

मुख्य पर्यावरण अधिकारी, वृत्त-7

प्रतिलिपि:-

- 1 जिलाधिकारी, बरेली को सूचनार्थ सादर प्रेषित।
- 2 क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, बरेली को इस निर्देश के साथ कि उक्त निर्देशों को सम्बन्धित को प्राप्त कराते हुए पावती सहित पुनः निरीक्षण आख्या संसन्ध बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

By post
Date 06/02/26

पूर्वोत्तर रेलवे



पत्र संख्या इ/579/कोर्ट-केस/इ-4 / 017
सेवा में,

कार्यालय,
मण्डल रेल प्रबन्धक, इंजी०
इज्जतनगर
दिनांक 04.02.2026
०६

श्री राम गोपाल,
मुख्य पर्यावरण अधिकारी, वृत्त-7,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
टी०सी०/12वीं विभूति खंड लखनऊ,
पिन- 226010, फोन- 2720831

विषय:- माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ०ए० संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 24.11.2025 के अनुपालन हेतु शहदाना (श्यामगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य अवैध रूप से डम्प ठोस अपशिष्ट (कूड़ा) का निस्तारण कराये जाने हेतु पर्यावरण (संरक्षण) अधिनियम-1986 की धारा-5 के अन्तर्गत निर्देश के अनुपालन के सम्बन्ध में।

संदर्भ:- आपका पत्र संख्या- H36970/C-7/O.A NO -590/2025-26 DATED 20-01-2026

आपके सदंभित पत्र के अनुपालन में इस कार्यालय द्वारा की गई कार्यवाही निम्नप्रकार से हैं:-

शाहमतगंज रेलवे स्टेशन यार्ड की भूमि रेल लैंड डेवलपमेंट ऑथॉरिटी (आर०एल०डी०ए०) को व्यवसायिक विकास हेतु हैण्ड ओवर की जा चुकी है, परन्तु शाहमतगंज से इज्जतनगर के मध्य लगभग 2.1 किमी. की भूमि अभी रेल लैंड डेवलपमेंट ऑथॉरिटी (आर०एल०डी०ए०) को हैण्ड ओवर नहीं हुई है, जिस पर अतिक्रमणों को हटाने हेतु RPF के साथ संयुक्त सर्वे करके अतिक्रमणों को चिन्हित कर लिया गया है एवं नोटिस सर्व किये गये हैं।

दिनांक-03.02.2026 को स्थानीय पुलिस और प्रशासन के सहयोग से शाहमतगंज यार्ड के पास स्थित समपार से लेकर लगभग 500 मी. लम्बाई में इज्जतनगर की ओर रेल पथ के दोनों ओर अवैध रूप से किये गये 55 नग अतिक्रमणों को सफलतापूर्वक हटा दिया गया है (फोटो, संयुक्त नोट एवं पेपर कटिंग संलग्न) एवं लगभग 20000 वर्ग मी. रेल भूमि को रेल के खूंटे गाड़कर उक्त क्षेत्र को बाहरी लोगों के रेल सीमा में पुनः घुसने से रोकने के लिए प्रतिबंधित कर दिया गया है, जिससे न केवल बाहरी व्यक्तियों द्वारा रेल भूमि को अतिक्रमण से बचाया जा सकेगा अपितु स्थानीय एवं आस-पास के नागरिकों द्वारा रेल भूमि में अनाधिकृत रूप से कूड़ा, करकट, गोबर, डेरियां एवं मलबा इत्यादि को रेल भूमि में डालने से रोका जा सकेगा।

स्थानीय पुलिस प्रशासन को लगातार इस खण्ड में रेलवे भूमि में व्याप्त अतिक्रमणों एवं रेल भूमि के सीमांकन हेतु राजस्व टीम के साथ संयुक्त सर्वे कराने

(1)

हेतु प्रयास किया जा रहा है। परन्तु स्थानीय प्रशासन का प्रशासनिक व्यस्तताओं के कारण अभी अपेक्षित सहयोग नहीं मिल पा रहा है शीघ्र ही बचे हुए कार्य को पूरा कराने का प्रयास किया जायेगा।

पूर्व में कई बार अतिक्रमणों को रेल भूमि से हटाने के लिए रेलवे द्वारा नोटिस एवं मार्किंग की गयी है परन्तु स्थानीय पुलिस प्रशासन का मौके पर उचित सहयोग न मिल पाने के कारण अतिक्रमण पूर्णतयः मौके से नहीं हटाये जा सके हैं।

अब लगातार स्थानीय पुलिस प्रशासन का उचित सहयोग लेकर अतिक्रमणों को हटाया जा रहा है।

अतिक्रमणों को हटाकर रेल भूमि की बैरीकेडिंग की जा रही है जिससे बाहरी लोगों द्वारा रेल भूमि पर डाले जा रहे मलबे, मिट्टी, गोबर, भूसा एवं डेरियों आदि को रोका जा सकेगा।

सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्न- यथोपरि।



वरिष्ठ मंडल इंजीनियर/सम०,
पूर्वोत्तर रेलवे/इज्जतनगर।

प्रतिलिपि- निम्नलिखित को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- श्रीमान जिलाधिकारी बरेली।
- ✓ 2- क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड बरेली।
- 3- श्री शशांक दीक्षित, रेलवे अधिवक्ता/नई दिल्ली, कार्यालय- 125 ब्लॉक-सी०, डिफेन्स कालोनी, नई दिल्ली, पिन- 110024 को माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में रेलवे की ओर से जबाब दाखिल करने हेतु सादर प्रेषित।



वरिष्ठ मंडल इंजीनियर/सम०,
पूर्वोत्तर रेलवे/इज्जतनगर।

वरिष्ठ मण्डल इंजीनियर/समन्वय
पूर्वोत्तर रेलवे/इज्जतनगर



पूर्वोत्तर रेलवे

कार्यालय,
मण्डल रेल प्रबन्धक, इंजी०
इज्जतनगर
दिनांक 09.03.2026

पत्र संख्या इ/579/कोर्ट-केस/इ-4
सेवा में,

श्रीमान प्रभारी अधिकारी (SWM)
नगर निगम, बरेली, उ०प्र०।

विषय:- माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ०ए० संख्या 590/2025 नितिन आनन्द बनाम मिनिस्ट्री ऑफ रेलवे व अन्य में पारित आदेश दिनांक 19.02.2026 के अनुपालन हेतु शहदाना (श्यामतगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य अवैध रूप से डम्प ठोस अपशिष्ट (कूड़ा) का निस्तारण कराये जाने हेतु आपके सहयोग के सम्बन्ध में।

संदर्भ:- 1-आपका पत्र संख्या- 137/एस०टी०/प्र०अधि०/एस०डब्लू०एम०/
एन०जी०टी०/2025-26 दिनांक 09.03.2026
2- इस कार्यालय का पत्र दिनांक 24.02.2026

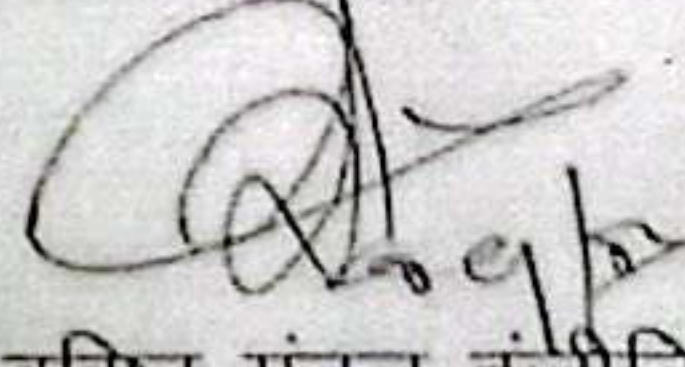
इस कार्यालय के संदर्भित पत्र-2 के अनुपालन में आपके संदर्भित पत्र-1 द्वारा इस कार्यालय को अवगत कराया गया है कि नगर निगम बरेली द्वारा ठोस अपशिष्ट प्रबन्धन उठान एवं निपटान का कार्य पे-एंड-यूज प्रणाली के अन्तर्गत प्रतिटन 1180/- रुपये की दर से निस्तारण कराया जा रहा है।

अतः उक्त दरों पर रेलवे द्वारा विषांकित कार्य कराने एवं कूड़ा हटाने हेतु सहमति है। आपसे आग्रह है कि शहदाना (श्यामतगंज) से इज्जतनगर रेलवे स्टेशन बरेली के मध्य अवैध रूप से डम्प ठोस अपशिष्ट (कूड़ा) की अनुमानित मात्रा (टन) का आंकलन अपने स्तर से करवाकर इस कार्यालय को सूचित करें ताकि तदनुसार कूड़ों के उचित निपटान की कार्यवाही प्रारम्भ की जा सके।

वरिष्ठ मंडल इंजीनियर/सम०,
पूर्वोत्तर रेलवे/इज्जतनगर।

प्रतिलिपि- निम्नलिखित को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- सहायक नगर इंजीनियर/इज्जतनगर।
- 2- सीनियर सेक्शन इंजीनियर/कार्य/इज्जतनगर।


वरिष्ठ मंडल इंजीनियर/सम०,
पूर्वोत्तर रेलवे/इज्जतनगर।