

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 543 OF 2024

In the matter of: -

Raja Muzaffar Bhat

Applicant

Vs.

MoEF

Respondent

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1.	<b>Short Reply</b> on behalf of Central Pollution Control Board in compliance to Hon'ble NGT order dated 15.05.2024, in O.A. No. 543/2024.	
2.	<b>Annexure I:</b> A copy of Hon'ble NGT order dated 15.05.2024, in O.A. No. 543 of 2024.	



**Filed by Advocate: -**

**Rajkumar**

(On behalf of Central Pollution Control Board)

Dated: 30.08.2024

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 543 OF 2024

In the matter of: -

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**SHORT REPLY ON BEHALF OF RESPONDENT NO.5 i.e. CENTRAL  
POLLUTION CONTROL BOARD (CPCB)**

**MOST RESPECTFULLY SHOWETH**

1. CPCB is respondent No. 05 in this matter and following directions were issued by the Hon'ble NGT vide Order dated 15/05/2024 in the instant case:

*.....09: "To ascertain the correct factual situation, we constitute a Joint Committee comprising of the representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF & CC, Deputy Commissioner, Srinagar and Member Secretary, J & K PCC. The Deputy Commissioner, Srinagar will act as nodal agency. 10. The Joint Committee will visit the site, ascertain the correct ground position and the extent of pollution caused by the illegal dumping at the landfill site in question, consequential health hazard created by it and also suggest remedial measures including setting up of waste processing facilities to zero down landfill and submit the report before the Tribunal....."*

2. **In compliance to the directions of Hon'ble NGT, the following actions have been taken by CPCB:**

The nomination of the official from CPCB Regional Directorate, Chandigarh, as a member of the Joint Committee, for representing CPCB was communicated to Nodal agency namely Deputy Commissioner, Srinagar under intimation to J&K



PCC, followed by site visit on 15/07/2024, the date fixed by the Nodal agency for site inspection.

**The report of the Joint Committee is still under preparation.**

3. However, CPCB member, as part of the Joint Committee has made the following observations based on the site inspection conducted on 15/07/2024:

- A. Approx. 450-500 MT mixed waste is being dumped on daily basis at this site and as per discussion held with the representatives of MC, Srinagar , more than 14 Lacs Metric Waste is lying at Achan Dumping site.
- B. The waste processing machinery (MRF/Segregator) installed at site was found non-operational.
- C. There is no arrangement for collection of Leachate at site. The Leachate treatment facility provided at site was found non-functional and defunct.
- D. The Septage treatment plant provided at site was also found non-functional and defunct.
- E. The leachate was observed to be flowing in the drain leading to Achan lake which is a part of Dal Lake and is therefore ultimately reaching Dal Lake.
- F. The green belt provided at site is inadequate.
- G. As per discussions held with the Applicant and the representatives of the Social Welfare Committee, Zoonimar, Srinagar, the Achan dumping site is located in wetland area. Therefore, a request has been made by the Joint Committee through J&KPCC, to obtain the status of this area from the Department of revenue, Srinagar.
- H. CPCB issued following Directions under Section 5 of Environment (Protection) Act, 1986 to all SPCB/ PCCs *for enforcement of provisions of Solid Waste Management (SWM) Rules, 2026 regarding bio-mining of legacy waste on 27.1.2021 and also to submit the action taken report within 30 days of issuance of this direction:*



- i. SPCBs/PCCs to provide complete list of Legacy Waste dumpsites in their States/UTs as per format enclosed.
- ii. SPCBs/PCCs to ensure that necessary action for bio mining and bioremediation of these dumpsites is done by the concerned Local Authorities in compliance with Provisions of SWM Rules, 2016.
- iii. SPCBs/PCCs shall ensure that concerned Local Authorities engaged in the bio mining process of legacy waste follow procedures as per CPCB Guidelines for Disposal of Legacy Waste with specific compliance to the following points,
  - iv. Analysis of various screened fraction materials i.e. RDF, fine earth/bio earth etc., prior to its disposal/utilization.
  - v. Preparation of plan for utilization/disposal of screened fractions
  - vi. Adequate provisions for leachate treatment.
  - vii. Maintenance of records / documents for disposal/utilization of tie RDFs or fine earth and other materials
- viii. SPCBs/PCCs shall ensure that the local bodies prepare time targeted Action Plan for biomining /bio-remediation of these dumpsites in compliance with points listed above. The timelines as specified in SWM Rules,2016 and Hon'ble NGT Directions on the matter are to be adhered to for remediation of these sites.
- ix. SPCBs/PCCs to ensure that no fresh waste is disposed at these dumpsites and local authorities make proper arrangement for management of fresh solid waste.
- x. SPCBs to ensure that at least one legacy waste dumpsite is remediated in their jurisdiction which can be considered as model for compliance for other legacy Waste dump sites in Non-Attainment Cities (NAC) .

***However, No action taken report (ATR) has been received from J&K Pollution Control Committee, in compliance to the above directions***



*issued by CPCB under Section 5 of the Environment (Protection) Act, 1986, on Jan 27, 2021.*

As per provision of SWM Rules, 2016 bioremediation was to be completed by April 07, 2021. However, it has been observed that ***More than 14 Lac MT of legacy waste is still lying dumped at the Achan Site and there of no provision made for the processing of fresh waste generated @ 450-500 MT/day.***

I. CPCB has also issued the following direction under Section 5 of the Environment (Protection) Act, 1986, on May 26, 2022, to all SPCBs/PCCs for managing fire hazards at dumpsites:

- i. Provide updated information w.r.t. Directions dated 27.1.2021 regarding biomining issued to SPCBs/ PCCs. It is to be ensured that updated information w.r.t. at least all metro cities is provided in accordance with NGT Directions.
- ii. Direct State UDDs to conduct comprehensive risk assessment studies and accordingly prepare detailed On-site Emergency Plan for each dumpsite located in their jurisdiction to address the following issues:

- The onsite emergency plan to cover potential risks/ emergencies due to fire, obnoxious/ flammable emissions, odour, vector borne diseases, rodents, bird nuisance, seasonal affects i.e. summer/ winter/ monsoon (rainy seasons) and all other potential risks at the dumpsites.
- The onsite emergency plans to address the worst possible case scenarios preferably using appropriate risk assessment softwares



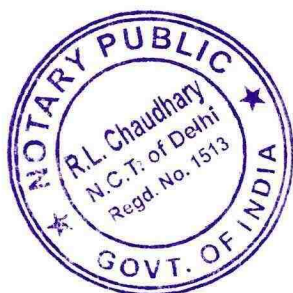
covering any or all of the potential emergency issues/ scenarios cited above.

- The on-site emergency management plan to cover likely affect geographical area including population, flora and fauna in and around the dumpsites.
  - The on-site emergency plan to contain detailed remedial measures both hardware and software based for mitigating various emergency situations, which should finally be finally be available with respective control rooms and on-site emergency notice boards.
- iii. To direct District Collection or District Emergency Authority designated by the State Government for integrating such (dumpsites) On-site Emergency Plans with the existing Off-site District Disaster Management Plans in their respective Districts, prepared by the Local Authorities in compliance with Rule 14 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
- iv. The State/ UT Authorities to prepare the on-site and off-site (or update off-site) emergency management plans preferable through an expert agency on the subject.
- v. **The following interim measures to be implemented on priority till the time On-site/ Off-site Emergency Plans are prepared and implemented.**
- a. **Disposal of waste:** Fresh waste not to be disposed at the dumpsite where bio-remediation is being undertaken. Organic waste from slaughter house, fish market, etc not to be disposed of in dumpsite. It is to be further ensured that industrial waste/E Waste/ lithium battery is not dumped at the site. Waste that is being unloaded at the



site should be examined visually for potential fire sources; fire sources when located should be neutralized with cover material immediately. Emergency tipping area to be provided to set aside from the immediate working area where incoming loads of material known to be on fire or suspected of being so can be deposited, inspected and dealt with. Adequate compacting of waste to be done to minimize formation of air or methane pockets which can lead to subsurface fire at site

- b. **Monitoring at dumpsites:** Methane Gas Detectors (on downwind side to be installed at site so that area with high methane concentration can be identified and preventive actions be undertaken. Further temperature at windrows to be monitored with non-contact infrared thermometer (as used for monitoring human body temperature under COVID circumstances) and records be maintained for any major deviations. The temperature is to be in the range of 35'C to 59'C. Treated leachate / water to be sprayed on the waste when rise in temperature is observed.
- c. **Arrangements for Fire Extinguishing:** Arrangements for adequate storage of sand / chemical fire extinguishing medias such as foam or powder at site to be made to douse fire in case a fire incident is reported. Usage of water for dousing fire to be avoided. Isolation and allowing rapid natural burnout or smothering with soil to be done for dousing dumpsite fires. Dedicated fire tenders (preferably chemical extinguishing media) and adequate fire safety measures are to be deputed, specifically during summer season when dumpsites fire is more likely to take place. All mobile equipment or vehicles should be fitted with fire extinguisher and spark arrester.
- d. **Health & Safety of Workers:** Fire protection measures and safety equipment to be provided to all workers at the site and checked before entry to the dumpsite. Workers to be trained for detection of fire and necessary action to be taken in case of fire. Periodic training of workers be conducted in Safe handling of Waste, PPE's, Health & Safety issues etc
- e. **Mock Drills & safety audits:** Periodic mock drills to be conducted to prevent fire accidents at dumpsites. Quarterly, Fire Safety and



Hazardous Emissions Audits to be conducted.

SPCBs/PCCs were directed by CPCB to submit action taken report within 15 days regarding implementation of interim measures till the time On-site/ Off-site Emergency Plans are prepared and implemented. However, No action taken report (ATR) has been received from J&K Pollution Control Committee (J&KPCC), in compliance to the above directions issued by CPCB under Section 5 of the Environment (Protection) Act, 1986, on May 26, 2022.

*It was observed that Municipal Corporation, Srinagar is not complying with the above directions issued by CPCB, for managing the for managing fire hazards at dumpsites:*

- J. CPCB will take necessary action based on the findings of the Joint Committee, when the report is finalized and provided by the Nodal agency.**
4. That, the answering respondent craves leave of the Hon'ble Tribunal for filing additional reply, in future, if required.
  5. That, the answering respondent shall abide by any order or direction passed by this Hon'ble Tribunal in the instant matter.



**(Divya Sinha)  
Scientist 'F'**

**Central Pollution Control Board**



**443**  
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**ORIGINAL APPLICATION NO. 543 OF 2024**

In the matter of: -

Raja Muzaffar Bhat

Applicant

Vs.

MoEF

Respondent

**AFFIDAVIT**

I, Divya Sinha, the deponent herein, working as Scientist 'F' in Central Pollution Control Board, office at Parivesh Bhawan, East Arjun Nagar, Delhi- 110032, do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit in my official capacity.
2. That the contents of the annexed reply have been drafted by me and the contents of the same are true and correct on the basis of the record of the case as maintained in the day-to-day affairs of the CPCB and the contents of the short reply may kindly be treated part of this affidavit and the same are not repeated herein for the sake of brevity.



**VERIFICATION**

Verified at Delhi on this **30 AUG 2024** day of August, 2024 that the contents of the above reply affidavit are correct and true on the basis of the record of the case as maintained in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

*Dy*

**DEPONENT**

**दिव्या सिन्हा / Divya Sinha**  
**वैज्ञानिक 'एफ' / Scientist 'F'**  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
(Mo Environment, Forest & Climate Change, Govt. of India)  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivash Bhawan, East Arjun Nagar, Delhi-110032

*Dy*

**DEPONENT**

**दिव्या सिन्हा / Divya Sinha**  
**वैज्ञानिक 'एफ' / Scientist 'F'**  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
(Mo Environment, Forest & Climate Change, Govt. of India)  
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivash Bhawan, East Arjun Nagar, Delhi-110032



**ATTESTED**  
*[Signature]*  
**NOTARY PUBLIC**  
**GOVT. OF INDIA**

**30 AUG 2024**

Item No.07

Court No. 1

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

Original Application No.543/2024

Raja Muzaffar Bhat

Applicant

Versus

MoEF

Respondent

Date of hearing: 15.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Itisha Awasthi, adv.

**ORDER**

1. In this Original Application, applicant has raised the grievance against illegal and unscientific dumping of municipal solid, bio-medical and plastic waste at the Achan landfill in District Srinagar. As per the disclosure made in the O.A. the said landfill site located near Bariwar Saldpora and is the only dumping ground in the city of Srinagar and adjoining area. It has been pointed out by the learned counsel for the applicant that a canal passes by the side of landfill and it joins the Achan lake which ultimately forms part of the Dal Lake.

2. The stand of the applicant is that almost 450 metric tones of waste is dumped every day at landfill site, which is spread over an area of 75 acres and which is located in close proximity of the human habitation.

3. The grievance of the applicant is that dumping of waste at the landfill site is done in violation of Solid Waste Management Rule, 2016, Timeline set in Action Plan for Municipal Solid Waste Management , Jammu and Kashmir, 2018 Bio- Medical Waste Management Rules, 2016, and Plastic Waste Management Rules, 2016.

4. Learned Counsel for the applicant during the course of the argument has referred to the photographs at annexure A-1 showing the condition of landfill site and the map annexure A-6 showing the extent of dumping at the site. She has also referred to the Order of the NGT dated 13.01.2015 passed in O.A. No. 277 of 2013 (annexure A-7) wherein the issue of the same landfill site located near Achan wetland concerning a project was involved and the Tribunal had issued following direction:

*“20. Keeping in view the above, while disposing of this application, we pass the following directions:*

1. *The conditions imposed by JKPCB, while granting consent to establish and operate to SMC for this project, shall be strictly adhered to without default.*
2. *The conditions imposed by the Ministry of Urban Development, Central Government, which has also approved the finances for the project, shall be complied with, in relation to all stages and components of the project.*
3. *In addition to the above, we also reiterate the following:-*
  - a. *Door to door collection through handcarts in slums/congested areas/Door to door direct collection of segregated waste from well laid down residential houses through 3 and 4 wheeler vans.*
  - b. *Collection of waste and secondary storage In covered containers/bins of 1100 lit capacity in the core areas, 3-m<sup>3</sup> dumper placer in the markets, high generation locations and in the suburbs.*
  - c. *Sweeping of roads, cleaning of parks, common areas, and roadside low height drains through handcarts and dedicated trucks.*
  - d. *Secondary transportation of door-to-door collected wastes through Dumper placers cum refuse compactors.*
  - e. *No transfer stations proposed as processing and disposal facility to be within 7 km of city center.*
  - f. *Management of construction waste as a separate activity by consent/permission & paid service.*
  - g. *Processing & treatment of MSW*
    - *To process bio-degradable waste through composting, refused derived fuel (RDF) and plastic waste etc.*
    - *Processing of non bio-degradable waste for fuel materials, plastic ingots, bricks & conditioning of recyclable materials.*
  - h. *Land filling of inerts & process remnants is engineered landfill limited to 20%.*
4. *The entire project shall be constructed, established and operationalised strictly in consonance with the Rules of 2000.*

5. *Furthermore, in matter which is specifically provided herein or on which the conditions afore-imposed by Jammu and Kashmir Pollution Control Board, Ministry of Urban Development and this Tribunal in the Model Action Plan in relation to establishment and operationalization of the Municipal Solid Waste Plant in district Bhatinda, State of Punjab shall apply. The Judgment of the Tribunal in the case of People for Transparency, Through Kamal Anand u. State of Punjab & Ors. Original Application No. 40(THC) of 2013 decided on 25<sup>th</sup> November, 2014, shall mutatis mutandis apply to this case as well.*
6. *The schedule of charges as approved by the Srinagar Municipal Corporation in their affidavit before the Tribunal is approved. The charges paid by the public at large to the Municipal Corporation for 'Environmental Charges' shall be exclusively utilized by the State of Jammu and Kashmir and the SMC, only and only for the purposes of setting up of this MSW Plant and/or for developing other MSW Plants in district Srinagar.*
7. *All the expenditure for constructions, establishment and operationalization of the plant shall be incurred under the supervision of the Committee. No expenditure would be incurred without specific approval of the Committee.*
8. *We direct the SMC to seek authorization of the J & K Pollution Control Board in accordance with Rule 6(2) of the Rules of 2000, within four weeks from pronouncement of this order.*
9. *The project shall be completed in a time bound manner and in any case within a period of one year.*
10. *To ensure proper construction, establishment, operationalization of the plant and even thereafter to ensure optimum running of the plant as well as for the compliance of the above directions, we constitute the following Committee:*
  - a. *Chairman, Central Pollution Control Board, New Delhi (or his Nominee)*
  - b. *Nominee from the MoEF (of the rank of Advisor/Director, with expertise in Municipal Solid Waste Management)*
  - c. *Commissioner/Secretary, Housing & Urban Development Dept. J & K Government*
  - d. *Commissioner, Srinagar Municipal Corporation, Srinagar.*
  - e. *Dr. Atul Narayan Vaidiya, Sr. Principal Scientist (Solid & Hazardous Waste Management Unit), NEERI.*
  - f. *Prof. Zafar A Reshi, PG Dept. of Botany, University of Kashmir, Srinagar.*
  - g. *Prof. Dr. M.A. Lone, Water Resources Engineering, Dept. of Civil Engineering, National Institute of Technology, Srinagar.*
  - h. *Dr. Arshid Jehangir Bhat, Asst. Professor, PG Dept. of Environmental Science, University of Kashmir, Srinagar.*
11. *The above Committee shall, out of the Members afore-noticed, constitute a smaller Committee for day to day monitoring of the project in all aspects as afore-indicated.*
12. *We hereby direct M/s JK Cements to collect at its own cost, or on such sharing of transportation charges with the Srinagar Municipal Corporation as the Committee may*

*decide, to lift the plastic and other MSW that can be used by it as fuel in its industry.*

13. *During the period taken for establishment and operationalization of the Plant, the Srinagar Municipal Corporation would educate the public through various sources of media and by public announcements that no waste of any kind should be thrown anywhere, including at the project site. It should be put in the dustbins of appropriate size, provided by the Corporation immediately. During this period, the waste would be collected, segregated and dumped strictly as stated in this judgment and as per the Rules of 2000. All the Committee Members shall be responsible for compliance of these directions and would submit quarterly report to the Registry of this Tribunal, which shall place the same before the Tribunal from time to time.”*

5. She has submitted that the above direction of the Tribunal have not been complied with and subsequently also the matter was taken up by the Tribunal on 12.12.2017 annexure A-9 wherein the stand of project proponent was recorded as under:

*“Mr. Saurav Kumar, Director of Key Stone Energy System Member of the Consortium of companies has received that letter and he states on behalf of the Consortium of Companies the Project Proponent as follows:*

1. *Within 7 days of the signing of the Power Purchase Agreement the Project Proponent along with the State official shall demarcate site in question and would start the field work.*
2. *It shall be the responsibility of the Project Proponent to arrange finance on its own for completion of the project as per the terms and conditions of the tender/letter of acceptance.*
3. *The Project Proponent shall complete the RDF plant within a period of 12 months counted from one week after its demarcation and the possession of the land.*
4. *Segregation of the waste delivered by local authority at the site in question shall be the exclusive responsibility of the Project Proponent. As planned there is no plant for establishing the composting plant and the plant is for converting waste to RDF to energy therefrom.*
5. *The entire waste to energy plant shall be completed and commissioned within 18 months from the date the PPA is signed.*

*Learned Counsel appearing for the State of Jammu & Kashmir submits that a draft agreement of PPA has already been prepared and is being vetted by law department and concerned ministry. Let that be done expeditiously and it should be signed without any further delay now to enable the Project Proponent to start the project which has been dragging now for years without any justification.*

*In the circumstances afore-stated, we direct that both the Project Proponent and State Government shall abide by their respective statements made before the Tribunal which are accepted by the Tribunal.*

*In the event of default particularly the Project Proponent shall be liable to pay environmental compensation of Rs. 50,000/- per day in excess of 18 months though contract period is 24 months. However, the Project Proponent will have the liberty to move the Tribunal. In event of default the project is not completed in its entirety and power generation is not started in any case within 24 months then the Project Proponent shall be liable to pay environmental compensation at the rate of Rs. 50,000/- per day for a period of default in addition to the penalties agreed for such default under the PPA.*

*Parties are at liberty to move before the Tribunal if they are so advised for issuance of appropriate directions.*

*The Original Application No. 277/2013 stand disposed of with no order as to cost.”*

6. She has submitted that respondent no. 10 is same entity in which earlier project proponent has merged.
7. This O.A. raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.
8. Issue notice to the respondents. The applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.
9. To ascertain the correct factual situation, we constitute a Joint Committee comprising of the representative of the Member Secretary CPCB, the representative of National Wetland Committee, MoEF & CC, Deputy Commissioner, Srinagar and Member Secretary, J & K PCC. The Deputy Commissioner, Srinagar will act as nodal agency.
10. The Joint Committee will visit the site, ascertain the correct ground position and the extent of pollution caused by the illegal dumping at the landfill site in question, consequential health hazard created by it and also suggest remedial measures including setting up of waste processing facilities to zero down landfill and submit the report before the Tribunal

within eight weeks e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

11. List on 30.08.2024.

12. A copy of this order be forwarded to Member Secretary CPCB, the National Wetland Committee, MoEF & CC Deputy Commissioner, Srinagar and Member Secretary, J & K PCC by e-mail for compliance.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

May 15, 2024  
O.A. No.543/2024  
HB