

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 514 OF 2018

IN THE MATTER OF:

VIVEK KAMBOJ AND ANR

... APPLICANTS

VERSUS

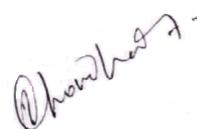
UNION OF INDIA & ORS.

...RESPONDENTS

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THROUGH



RITWICK DUTTA

**RAHUL CHOUDHARY
ADVOCATES**

COUNSELS FOR THE APPLICANT

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New Delhi- 110048

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Place: New Delhi

Date: 06.04.2021

BEFORE THE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

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SUBMISSION ON THE STATUS REPORT FILED BY MUNICIPAL CORPORATION
GURUGRAM IN ACCORDANCE WITH ORDER DATED 09.03.2021 PASSED BY
THE HON'BLE TRIBUNAL

Most respectfully showeth:

1. That a status report has been filed by Vinay Pratap Singh, Commissioner of Municipal Corporation, Gurugram on behalf of Respondent No. 5 as per the directions of this Hon'ble Tribunal vide order dated 09.03.2021.
2. That the action taken to remediate the legacy waste dumped at Bandhwari Village which is situated in the eco-fragile Aravalli landscape outlined in the status reports by Respondent No. 5 and 6 is false and misleading.

Continued Discharge Of Leachate To Nearby Area Of The Bandhwari Landfill

3. That on the complaint of Applicant No. 2, the Forest Department inspected the area on 25.07.2020 and found that that the mining pit close to the Bandhwari Landfill was filled up with leachate. The Forest Department vide letter dated 11.08.2020 warned the Municipal Corporation Gurugram that if any more leachate is dumped in the forest area, action will be taken under the Wildlife Protection Act, 1972 and the NOC granted by the Forest Department will be cancelled.

A copy of the letter dated 11.08.2020 written by the Forest Department to the Municipal Corporation, Gurugram is annexed here as **ANNEXURE A-1.**

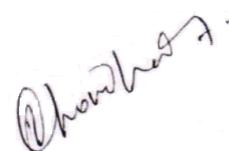
4. That however, the discharge of leachate from the Bandhwari landfill continued even thereafter. The fact about the leachate spilling out from the Bandhwari Landfill was reported in Hindustan Times in its newspaper article dated 17.02.2021.

A copy of the newspaper article in Hindustan Times on 17.02.2021 is annexed here as **ANNEXURE A-2.**

Dumping Of MSW In Forest Area By MCG

5. That the Municipal Corporation, Gurugram in a way to reduce the waste in the landfill and rather than managing the waste properly has been dumping solid waste in forest area near Pali Stone Crusher Zone in Faridabad. As per the letter dated 05.04.2021 sent by Save Aravalli Trust to the Municipal Corporation, Gurugram, MCG has dumped 150 trucks of municipal waste in the forest area. The waste is being dumped just 50 metres from the water body and huge possibility of contamination of ground water and washing away of waste in the entire water body because of rain. This fact has also been reported in national daily Hindustan Times dated 05.04.2021. The copy of photographs showing the dumping in forest area, the google image with the location of the dumping, news article dated 05.04.2021 and letter dated 05.04.2021 are annexed here as **ANNEXURE A-3 (colly.)**.
6. That in the circumstances direction may be passed to remove the entire waste lying in the forest area and also taking effective steps for cleaning up of the area surrounding the Bandhwari landfill from leachate contamination.

THROUGH



RITWICK DUTTA

**RAHUL CHOUDHARY
ADVOCATES**

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**PLACE: NEW DELHI
DATE: 06.04.2021**

वन विभाग

कार्यालय मण्डलीय वन्य प्राणी अधिकारी, वन्य प्राणी मण्डल, गुरुग्राम
फोरेस्ट कम्प्लेक्स, सोहना रोड, गुरुग्राम-122001, फोन नं 0124-2222272, फॅक्स नं 0124-2222272
E-Mail: dwlogn@gmail.com

क्रमांक 682

दिनांक 11/08/2020

सेवा में,

आयुक्त

नगर निगम, गुरुग्राम।

विषय:-

Continued intentional spillage of thousands of litres of Leachate from Bandhwari landfill into surrounding pristine Aravallis jungle & deep mining pits' & Judiciary's failure to give us relief continued contamination of our groundwater (5 villages) due landfill.

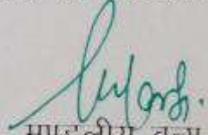
सन्दर्भ:-

श्रीमती वैशाली राणा की शिकायत दिनांक 10.07.2020 प्राप्त ई-मेल द्वारा।

.....

उपरोक्त विषय के सम्बन्ध वन्य प्राणी निरीक्षक, सोहना ने अपने पत्र क्रमांक 69 दिनांक 29.07.2020 द्वारा इस कार्यालय को अवगत करवाया है कि दिनांक 25.07.2020 को Bandhwari Land fill का दौरा किया और आस पास के जंगल का भी दौरा किया गया। Landfill के पिछे वाली mining pit और खड्डों में बन्धवाड़ी कचरा प्लांट से निकला हुआ गन्दा पानी भरा हुआ पाया गया जो कि leachate था। जो कि वंहा पर आवास कर रहे वन्य प्राणियों के लिए हानिकारक है। क्योंकि बन्धवाड़ी जंगल एक बहुत अच्छा वन्य प्राणी आवास स्थल है। यंहा पर Leopard, Hyena, Monitor Lizard, Peafowl, Black Partridge, Cobra, Fox, Jackal, Mangoose, Hedge hog आदि जानवर पाए जाते है। इस बारे में माह जनवरी 2020 में नोटिस देकर Eco-green से जवाब मांगा गया था। उन्होने अपने जवाब मे यह कहा था कि भविष्य में जंगल में Leachate नही छोडा जायेगा। लेकिन Eco-green द्वारा इस बार भी यह गलती दोहराई गई है कि वन्य प्राणी आवास स्थल को नष्ट करना और आवास में गन्दा पानी छोड़ना वन्य प्राणी अधिनियम 1972 की उल्लंघना है।

अतः आपसे अनुरोध है कि Eco-green को उक्त बारे निर्देश जारी करने का कष्ट करें क्योंकि Eco-green आपके अधीन कार्य कर रही है। अगर Eco-green द्वारा कार्य में सुधार नही किया गया तो वन्य प्राणी सुरक्षा अधिनियम-1972 के तहत आवश्यक कार्यवाही अमल में ला दी जायेगी एवं इस विभाग द्वारा जारी की गई NOC को रद्द करने बारे उच्चाधिकारियों को लिख दिया जायेगा।

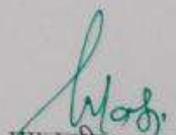

मण्डलीय वन्य प्राणी अधिकारी, 0/c
गुरुग्राम।

पृ० क्रमांक 683-685

दिनांक 11/08/2020

इसकी एक प्रति निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

- 1 उपायुक्त गुरुग्राम को
- 2 मुख्य वन संरक्षक (व०प्रा०) गुरुग्राम को
- 3 हरियाणा राज्य प्रदूषण नियंत्रण बोर्ड, गुरुग्राम


मण्डलीय वन्य प्राणी अधिकारी, 0/c
गुरुग्राम।

Leachate from landfill site spills outside boundary, blocks local road access

 [hindustantimes.com/cities/gurugram-news/leachate-from-landfill-site-spills-outside-boundary-blocks-local-road-access-101613584442933.html](https://www.hindustantimes.com/cities/gurugram-news/leachate-from-landfill-site-spills-outside-boundary-blocks-local-road-access-101613584442933.html)

February 17, 2021

[gurugram news](#)

Leachate from the rear side of Bandhwari landfill site situated on Aravalli land has been spilling outside its boundary on to the adjoining road

By [HT Correspondent](#), Gurugram

PUBLISHED ON FEB 17, 2021 11:24 PM IST

Leachate from the rear side of Bandhwari landfill site situated on Aravalli land has been spilling outside its boundary on to the adjoining road. A spot check by an HT team on Wednesday revealed that due to the spillage, a kuccha road leading to nearby villages in the area has been blocked.

Workers from Ecogreen Energy, Municipal Corporation of Gurugram's (MCG) concessionaire for waste management of Bandhwari landfill present at the site were seen clearing the leachate by pumping it out into tankers along with trucks and JCBs, clearing the excess waste spillage.

Around 1,900 tonnes of untreated mixed municipal solid waste generated in Gurugram and Faridabad is dumped at the landfill every day.

Sunil Harsana, a resident of Mangar village located in the vicinity of the landfill, who was also present at the landfill site on Wednesday, said that the Bandhwari waste plant visibly has more waste than it can accommodate, which is now spreading outside the plant.

“The leachate or dirty water from the accumulated waste is now flowing into the nearby forests and a road leading to our village has also been blocked recently because of this. If this is the situation now, then what will be the condition during monsoon, when leachate usually spills out?” said Harsana.

He said, “We already know that the groundwater under the landfill is completely contaminated and people from nearby villages are suffering because of it. Along with people, our fauna in and around the landfill is also feeding on the same water, affecting their health too.”

Nearly 6.7 million tonnes of waste has accumulated at the landfill site over the last two decades, as per a 2019 joint committee report drafted by the Central Pollution Control Board (CPCB), IIT-Delhi and the National Environmental Engineering Research Institute (NEERI).

Reacting to the spillage of the leachate, Dhiraj Kumar, joint commissioner of the Municipal Corporation of Gurugram (MCG) said, “Around 15-20 days ago, the city had witnessed rainfall, which might have caused the leachate to percolate on one particular side leading to spillage. It is not a lot of spillages and our officials are working at the site to pump it out.”

Kumar also said that the MCG is in the process of issuing tenders for “extending the existing boundary wall of the landfill, which will be bigger and stronger to ensure that waste does not breach into the forests.”

Listing causes for spilling of waste and leachate, Sanjeev Sharma, the spokesperson for Ecogreen Energy said, “We have learnt from our official working at the site that it happened because a lot of waste was being shifted from one angle to another, due to which some of it spilled over the boundary walls, which are very old. We have started repairing the walls and it should get fixed within 10 days. Another reason is that the particular area where waste was spilled on Wednesday is on a downslope.”

Sharma said that due to the downslope, freshwater shifted down the slant and that the leachate was cleared and sucked through pumps by the end of the day.

Locals have been protesting demanding shifting of the landfill from Bhandwari to outside the city where there is no human habitation. In January, members of Citizens for Clean Air — a civil society group — wrote to the CPCB, drawing attention to allegations of groundwater contamination in Bandhwari and nearby villages, about 20 kilometres outside the city. In the letter to the pollution control body, the civil society group wrote, “Their (locals from the area) natural habitat got spoiled beyond recovery to accommodate the dirt of the city dwellers — the dumping of mixed solid municipal waste at the landfill site for the past several years. And their environment, including their drinking water sources, has been destroyed. Already there are reports of higher incidence of cancer and other ailments in these areas.”

Experts and citizens working on the environmental issues around Bandhwari landfill said that authorities need to enforce solid waste management rules to stop the daily dumping of around 2,000 tonnes of mixed waste at the site.

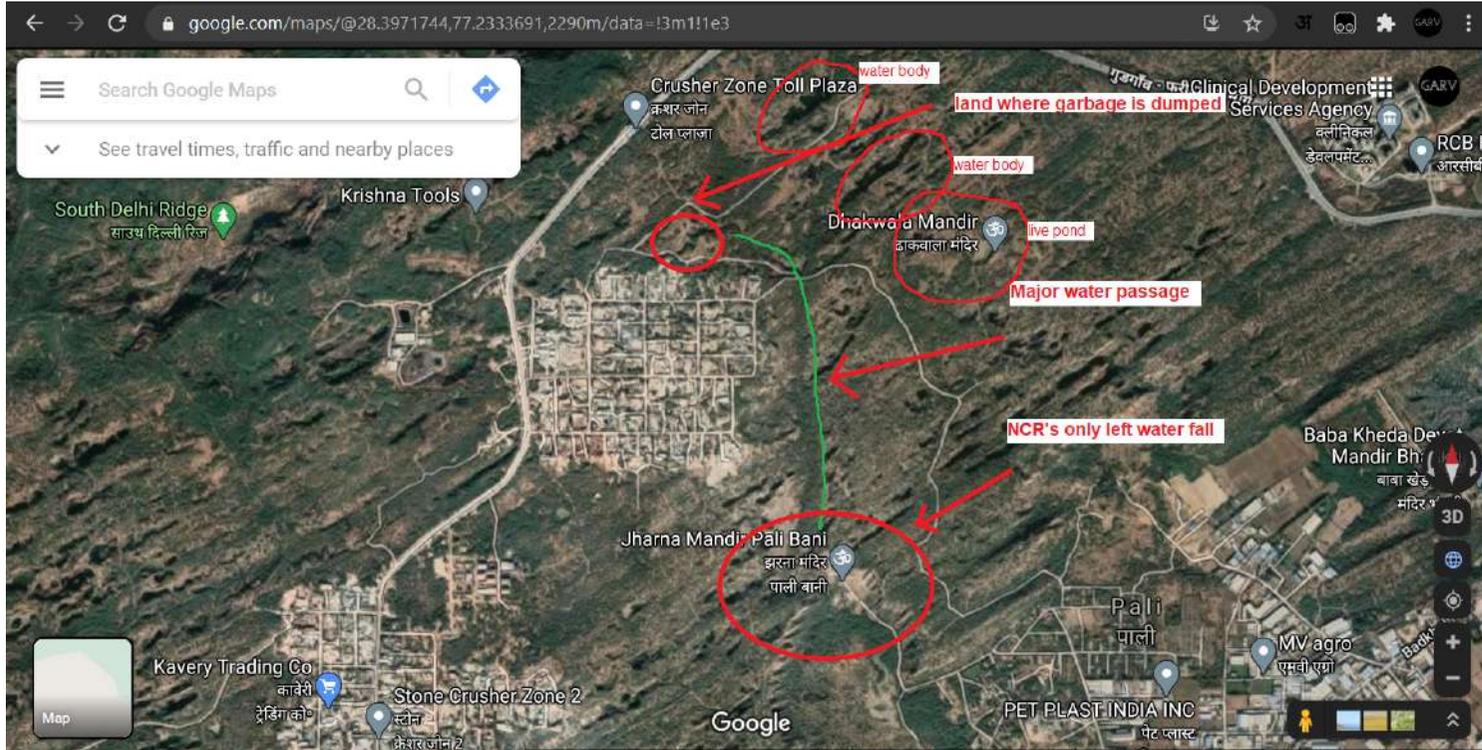
Neelam Ahluwalia, of the Aravalli Bachao Citizens Movement, said, “Bandhwari landfill, with more than 30 lakh (3 million) tonnes of untreated mixed waste is a violation of all rules connected with the forest and environment. For the past two years, the National Green Tribunal has been directing the MCG to remove the waste mountain following the Indore model, where a 100-acre dump site was recovered with treatment of 15 lakh (1.5 million) tonnes of waste. The same needs to be done at Bandhwari to remove this toxic monster.”

She said that native Aravalli plantation needs to be done to restore the 32 acres of forest land where the landfill currently stands, as the Aravallis are the lungs and a critical water recharge zone on which life of National Capital Region depends.

ANNEXURE A-3 (Colly.)



2021/03/27 10:12





2021/03/27 10:26

MY GURUGRAM

**INDUSTRY BODIES
SEEK FLEXIBILITY
IN JOB QUOTA
LAW, SUGGEST
ALTERATIONS**

Abhishek Behl

abhishek.behl@hindustantimes.com

GURUGRAM: Industrial associations and factory owners based in Manesar and Gurugram on Saturday reiterated their objections to the 75% job reservation law, slated to come into effect on May 1, as they are apprehensive about the job situation that has already been affected by the pandemic. They said that the government should make the law flexible by adopting suggestions made by industry leaders and associations.

Manmohan Gaiand, secretary of the Manesar Industries Welfare Association, said this law is regressive in letter and spirit and that their association would challenge it in the court once the rules are notified. "This is an attempt to introduce reservations in the private sector through the back door. We will oppose this law as it is regressive in character. The industries in the Gurugram-Manesar industrial belt are already suffering due to the impact of Covid-19 and this reservation will hit it further," said Gaiand.

Last month, the Haryana government green-lit the Haryana State Employment of Local Candidates Bill, 2020, which provides for 75% reservation in jobs that have a salary of less than ₹50,000 per month in private

Locals allege waste dumping in forest by MCG ahead of hearing

Suparna Roy

suparna.roy@hlive.com

GURUGRAM: Environmentalists and citizens alleged that the Municipal Corporation of Gurugram (MCG) dumped waste in forest land near Mohrabad and Pali villages in Faridabad on Saturday night, to reduce the volume of legacy waste at the Bandhwari landfill ahead of a hearing in the National Green Tribunal (NGT) this week.

Locals alleged that plastic and household waste under the garb of refuse-derived fuel (RDF) was dumped in the forest land, which is a crucial leopard habitat. The site also has boards stating that it was a temporary site for storing RDF.

Despite several attempts, Vinay Pratap Singh, the commissioner of MCG could not be reached for comment till the filing of the copy.

Officials of the forest department and the Municipal Corporation of Faridabad (MCF) said that they did not allot the space to MCG for the temporary storage of RDF.

Yashpal Yadav, the MCF commissioner said, "Last month, the MCG had sought support from us for temporary storage of RDF and we had allotted a site near Pali crusher zone. But later, we



Locals alleged that plastic, household waste was being dumped under garb of refuse-derived fuel in forest land.

learnt that a case is underway in the high court regarding the said land, so we gave orders that no more waste will be dumped there. After that, we had informed MCG that we are looking for alternative land, but no land has been approved by us so far."

Raj Kumar, divisional forest officer for Faridabad, said, "I learnt about RDF being dumped on Aravalli forest land near Pali-Mohrabad late on Saturday evening and I sent a team for inspection. The team was not able to locate the area and on Sunday, I did not get any further update. I will be checking with the author-

ities concerned and action will be taken accordingly."

wildlife researcher who visited the site on Saturday night, said, "Around 8.30pm on Saturday, I learnt that eight trucks of waste from Bandhwari landfill was being taken to the forest land for dumping. I reached the site around 11pm when I saw that solid waste, including plastic, was dumped at two to three different sites almost one kilometre inside from the main road."

"This area is a key habitat of leopards found in this landscape as it has old mining quarries where the big cat finds shelter, food and water. If waste is dumped here, then there will be regular movement of vehicles leading to disturbance," he said. Vaishali Rana, a city-based environmentalist, said that a 2017 report by the Wildlife Institute of India showed that the landscape has a presence of over 30 leopards. "Since the past one month, waste is being dumped inside forest areas in different parts of Gurugram and Faridabad as the authorities have to tell the NGT that they have taken action to clear the legacy waste at Bandhwari. But this is being done without any permissions or clearances... because it is inside the forests, it goes unnoticed by most people, but that does not mean it is not harmful to the environment," she said.

While coming out of the area, the team also noticed two tractors without any registration number plates going inside the forests. When asked, the drivers said that they were going to a nearby village. While the tractor marks extended for almost two kilometres, the makeshift bridges were made using sacks of construction and demolition waste.

Gurugram's deputy commissioner Yash Gang also said that the administration will take action after inspecting the area. On April 2, HT had reported that a group of environmentalists claimed to have found evidence of large-scale stone mining in the Aravallis near Gurugram.

Talking about the area where the makeshift bridge had been made, Prabhakar Verma, an avid hiker who showed the trails to the HT team, said, "Even until one month ago, this area had not been mined and these were

Our vigilance team is strong, but I am denying that something like this might be happening illegally. Our team will inspect and check on what scale it is being done.

ANIL KUMAR, mining officer, Gurugram



(Top) Tractor marks exist in Teekai village. (Above) One was spotted along the way.

flatlands. But now, this quarry bridge has been made 20-30 metre pits on both of the bridge where loose material is getting accumulated.

"These tractor tyre marks clearly indicate that the material is loaded on the piles and taken out either dark or in early morning hours," Verma said, adding trees were cut to level the area.

Another environmentalist who accompanied the team, requesting anonymity, said, "I visited this place around six months ago

To,
The Commissioner,
Municipal Corporation
Gurugram

Date – 05-04-2021

Subject – Information on garbage dumping in forest area by MCG and request to get it picked.

Dear Sir,

As informed earlier via mail and phone on 24th and 25th March, MCG team has dumped around 150 trucks of city garbage in the forest area near Pali Stone Crusher Zone (Location- 28°24'08.4"N 77°13'52.5"E). Although this was stopped after my complaints to MCG and MCF but the garbage is still lying there, contaminating the air and is going to get mixed in the ground water as the banks of two open water bodies are just 50 meters away from the location and the main passage to the waterfalls of ancient Pali Jharna Mandir is just 15 meters from the garbage.

I have been making continuous complaints but instead of considering my complaints, on the night of 3rd April, your team has dumped some 40 more trucks of city plastic waste in another area of Aravali (Location- 28°24'26.5"N 77°13'10.2"E) which is in the middle of three major deep mines filled with ground water.

Your team made a 15 feet wide road through the forest using excavator machines in the night time by cleaning almost 300 tall plants without doing any paper formality, taking any permission from any concerned department.

The garbage at both the locations is smelling foul, polluting the atmosphere, has become killer for the wildlife and biodiversity and is going to contaminate the ground water at large level which will be an un-repairable damage to the forest, water, wildlife and the biodiversity.

Request you to kindly get this garbage cleaned and restored in the original shape on high priority. I will have to move to the higher forums within this week if my final request is ignored by you.

Attaching some photos for your information.

Thank you

Regards,



Jitender Bhadana
Mobile - 9910269102

Cc –

1. Commissioner – MCF
2. DC – Gurugram
3. DC – Faridabad
4. CP – Faridabad
5. ACS – ULB Haryana
6. DFO - Faridabad