

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 404 of 2022

In the matter of :-

Sanyogita Singh ... Applicant
Versus
State of U.P. & others ... Respondents

INDEX

Sl. No.	Particulars	Page Nos.
1.	Second Addl. Reply on behalf of Resp. No. 3, Greater Noida Industrial Development Authority.	1 - 7
2.	Affidavit in support.	8 - 9

Drafted and Filed By:

Place: Noida
Date: 24.5.2024

shivam sakseena
(SHIVAM SAKSENA)
Advocate for Gr. NOIDA Authority.
Chamber No. 210, C.K. Daphtary
Supreme Court, New Delhi-01
Mob. No.9971885963

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**SECOND ADDITIONAL REPLY
ON BEHALF OF RESPONDENT NO.3**

Most Respectfully Showeth:

1. The Respondent above named has filed a reply and Additional Reply and the same are on record. Contents of the said reply are reiterated and may be treated as part of this reply.
2. The above said Original Application was taken up for consideration by this Hon'ble Tribunal on 18.11.2023, when after hearing and considering the reply and additional reply filed on behalf of the answering Respondent as also the submissions made on its behalf, this Hon'ble

Tribunal was pleased to call for certain information. Hence, this second additional reply.

3. The C & D Waste Processing Facility has been set up by the answering Respondent at Plot No.F-1 (area 4.5 acres), Sector Eco Tech III, Greater Noida City. Tenders for collection, transportation, processing and management of C & D waste in Greater Noida were invited on Build, Operate and Transfer basis. After due process, the tender was awarded to M/s.Rise Eleven Concrete Products Pvt. Ltd. and a contract was signed on 7.7.2021. It is pertinent to mention that the said Company is also running the C & D waste processing facility for the South Delhi Municipal Corporation for the last over 4 years and similar facilities at Agra and facility at Lucknow, which is under construction. The said facility has been set up in an Industrial Sector at a plot demarcated for facilities under the approved Master Plan. This facility was inaugurated by the Hon'ble Chief Minister of Uttar Pradesh on 25.6.2023.

4. The installed capacity of the Plant is 80 MT per hour for segregated waste but if the waste is not segregated, then the installed capacity would stand reduced to 35-40 MT per hour. This capacity can be increased to 45-

55 MT per hour As per the records maintained by the said Company, the daily collection of C & D waste on an average is about 150 MT.

5. For the purpose of collection of C & D waste, a roster has been prepared for each Sector. On an average, the daily collection is the same as daily generation viz. 150 MT. The C & D waste is transported by means of Trolleys driven by Tractors, Dumper Trucks and Trawlers for which, the Company maintains Log Books. These vehicles are fitted with GPS, which are linked to GNIDA Web site. The Authority has also set up a 24 x 7 Help Line regarding complaints for collection and transportation of C & D waste. The transportation vehicles are fully covered so as to ensure that C & D waste does not spill over while transportation or cause avoidable air pollution. The vehicles are regularly cleaned and this is one of the conditions imposed on the Contractor running the Processing Facility. The Contractor is also liable to collect and transport to the Facility any C & D waste which is found lying near the Roads or open spaces in the city of Greater Noida.

6. As of now, no charges are levied for collection of the C & D waste and its transportation to the Processing Facility and the entire cost is borne by the Respondent Authority. At the Facility, the waste is re-cycled. With

a view to control the dust at the site, anti-smog gun and water sprinklers are used. The Facility has a dry and wet unit. Charges are levied on bulk generators of C & D waste like Builders and these charges are utilized for payment to the Operator. However, these charges are only a small fraction of the cost which the Authority incurs in the establishment and running of the Processing Facility which cost is paid to the M/s. Rise Eleven Concrete Products Pvt. Ltd.

7. Besides the C & D Waste, which is generated and transported on daily basis, which quantity, as per the record maintained by the Contractor is to the tune of about 150 MT per day, the legacy waste, which was collected and lying at the Processing Facility is also being processed. At present the legacy waste is to the tune of about 71,000 MT. All things being normal, it is expected to clear the processing of the legacy waste in about year's time.

8. The following C & D Waste Collection Centers are in operation:

S.No.	Sector Details connected C & D Waste Center	C & Waste Collection Center	Area of C & D Collection Center	Present status of working
1.	Sector 10 & 12	Sector 10 & 12	600 sq. m.	Working
2.	Sector - 1	Sector - 01	600 sq. m.	Working
3.	Sector - 2	Sector - 2	600 sq. m.	Working

4.	Beta -1, 2, Gama -1 & 2	Beta - 1	600 sq. m.	Working
5.	K.P 1, 2, 3, Builders Area & Omega - 1,3	K.P-3 / Kaladham	600 sq. m.	Working
6.	Surrounding area of Ecotech - 12	Ecotech - 12	600 sq. m.	Working

9. In the past, when the Facility was yet to be set-up, the C & D waste was collected and brought to the processing site in question but it remained stored at the said plot which has an area of 4.5 acres. The plot is surrounded by a boundary wall which is made of bricks and tender to increase the height of the wall is under process.

10. By an Office Order No.73286/Fin/2015-16 dated 30.12.2015 issued in terms of approval granted by the Board, in its 103rd Meeting, malba charges are to be paid by the plot owner at the rate of Rs.20/- per sq.m. of total covered area up to the plot size of 2,000 sq. m. For plot sizes between 2,001 - 10,000 sq.m, the malba charges are at the rate of Rs.15/- per sq. m of total covered area, while of above 10,000 sq.m., this charges at the rate of Rs.10/- per sq.m of total covered area. It is clarified that at present, GNIDA does not charge any user fee from individual waste generators. The same is levied from bulk generator like builders.

11. The details of the amount of Rs.1,45,800 collected from generators of C & D waste is as under:

S.No.	Challan No.	Date	Imposed Penalty (In Rs.)
1.	294	03.02.2023	2,000.00
2.	2651	21.02.2023	80,800.00
3.	2354	28.02.2023	1,000.00
4.	2355	28.02.2023	1,000.00
5.	2356	28.02.2023	1,000.00
6.	2357	28.02.2023	1,000.00
7.	2358	28.02.2023	2,000.00
8.	2401	14.03.2023	1,000.00
9.	2402	14.03.2023	2,000.00
10.	2403	15.03.2023	2,000.00
11.	295	15.03.2023	1,000.00
12.	2503	16.03.2023	2,000.00
13.	2505	18.03.2023	2,000.00
14.	2504	18.03.2023	2,000.00
15.	2506	20.03.2023	40,000.00
16.	296	25.03.2023	1,000.00
17.	297	25.03.2023	1,000.00
18.	298	25.03.2023	1,000.00
19.	299	25.03.2023	1,000.00
20.	2602	29.03.2023	1,000.00
			1,45,800.00

12. The details of the amount spent by GNIDA are set out as under:

S.No.	Period	Amount Paid (in Rs.)
1.	09.12.2021 to 30.11.2022	88,93,845.00

2.	01.12.2022 to 28.02.2023	38,48,350.81
3.	01.03.2023 to 30.04.2023	23,63,945.87
	TOTAL	1,51,06,141.68

13. As regards the existence of any proposal by the answering Respondent to levy user fee, it is submitted that a proposal for collection of User Fee from such waste generators engaged in new construction, renovation or demolition has been drafted. However, this proposal is yet to be approved by the competent authority.

14. This Additional Reply is being submitted in terms of the directions given in the Order dated 8.11.2023 and the subsequent Order passed on 5.4.2024.

In the premises, the answering Respondent respectfully prays that this second additional Reply may be taken on record and while disposing off the present Original Application, the same may very kindly be considered.

NEW DELHI
DATED: 24.05.2024

RESPONDENT No. 3
through
Shivam Sakseena
(SHIVAM SAKSENA)
Advocate

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AFFIDAVIT

I, Chetram Singh, S/o Shri Bhoop Singh, aged about _57 years, resident of H-76 staff Qtrs Sector 27 Noida , do hereby solemnly affirm and state as under:

1. I am presently posted as _Senior Manager (health) _ with the Greater Noida Industrial Development Authority and as such well conversant with the facts deposed herein below:

2. I state that the accompanying second additional reply has been drafted under my instructions. I have perused the same and state that the factual contents stated in the accompanying additional reply are true and



correct to my knowledge as derived from the records maintained in the Office of the said Authority.


DEPONENT

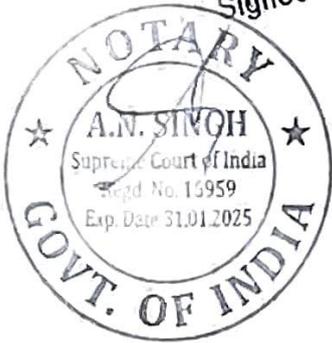
Verification:

24 MAY 2024

Verified at New Delhi on this the _____ day of May, 2024 that the factual contents of this affidavit are true and correct to my knowledge as derived from the records and that nothing stated herein is false and nothing material has been concealed therefrom.


DEPONENT

I identify the deponent who has Signed/Put T.I. in my presence




ATTESTED
A.N. Singh, Adv
Notary Public
Govt. of India, New Delhi

24 MAY 2024