

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

Original Application no. 592 of 2023

In the matter of

Sunil Dutt

.....Applicants

Versus

State of Punjab

.....Respondents

Short reply on behalf of Punjab Pollution Control Board through Er. Rajesh Kumar, Environmental Engineer, Punjab Pollution Control Board, Regional Office, Batala in compliance to order dated 05.10.2023.

Respectfully Showeth:

1. That briefly stated, Mr Sunil Dutt, a Human Rights Activist residing in Deena Nagar, Gurdaspur, Punjab has filed an application under the provisions of the National Green Tribunal Act, 2010 before the Hon'ble National Green Tribunal for the issuance of appropriate directions for management of solid waste and cremation ground by the concerned Statutory Authorities.

It is alleged in the application that Municipal Council, Deena Nagar in District Gurdaspur has been dumping garbage in waste water pond situated adjacent to the Deena Nagar Police Station and has created big mount of garbage. It is further alleged in the application that the garbage dumped is contaminating groundwater emits foul smell and poses health hazards to the residents of the locality and passersby.

2. That the application was treated as Original Application no. 592 of 2023 titled as "Sunil Dutt Vs State of Punjab. Respondent no.1 in the case is Municipal Council, Deena Nagar (Gurdaspur) through its Executive Officer. The Hon'ble National Green Tribunal by passing an order dated 5.10.2023 in the case was pleased to implead the State of Punjab through Chief Secretary, Government of Punjab, District Magistrate, Gurdaspur and Punjab State Pollution Control Board as respondents no. 2 to 4. Notices were issued to respondents no. 1 to 4 requiring them to file their reply /

response within one month at judicial-ngt@gov.in in the form of searchable PDF / OCR supported PDF and not in the form of Image PDF.

3. That in compliance to the orders dated 5.10.2023 passed by the Hon'ble National Green Tribunal, it is submitted that the Ministry of Environment, and Forests, Government of India in exercise of the powers conferred under the Environment (Protection) Act, 1986 and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000 has notified the Solid Waste Management Rules, 2016. The Municipal Authority is responsible for the implementation of the provisions of Solid Waste Management Rules, 2016 including Infrastructure Development for collection, storage, segregation, transportation, processing and disposal of municipal solid waste.
4. That the Municipal Solid Waste dump site of Municipal Council, Deena Nagar was visited by the Assistant Environmental Engineer of Punjab Pollution Control Board, Regional Office, Batala on 19.4.2022 to verify the compliance of the provisions of Solid Waste Management Rules, 2016. The observations of the visiting officer are mentioned herein below:
 - a) Presently approx. 6 TPD of Municipal Solid Waste is being disposed on daily basis at the dumping site located near police station.
 - b) Huge quantity of legacy waste was found at dump site.
 - c) Mixed Municipal Solid Waste consisting biodegradable and non-biodegradable material, lot of plastic waste found disposal at dump site.
 - d) The MC has not provided boundary wall, Green Belt, CCTV Cameras and Piezometer at dump site.
 - e) One no. trammel machine has been installed at the dump site and same was found non-operational.
 - f) MC has provided MRF at Singowal Road. MC has provided compost pits at MRF site and compost was found in these pits. No wet waste was found present at the site / pits. The MC has installed one no. boiling machine at MRF site. Separate compartments have been provided by MC for storage of segregated material but same were not in use.
 - g) MC has not maintained its sanitary land fill site.
 - h) MC has claimed its 100% of door-to-door collection of solid waste. However, MC is doing approx. 80% of segregation of solid waste at source.
 - i) MC has provided covered compartmentalized vehicles for

transportation of waste. MC has provided GPS with their major transport vehicles.

5. That it is relevant to mention here that Municipal Council, Deena Nagar has also not obtained the authorization of the Board under the provisions of the Solid Waste Management Rules, 2016. The Punjab Pollution Control Board has issued show cause notice for violation of the provisions of the Solid Waste Management Rules, 2016 vide letter no. 2406-2407 dated 19.7.2022 to Executive Officer, Municipal Council, Deena Nagar (Gurdaspur) whereby an opportunity to file objections was given to Municipal Council, Deena Nagar. A copy of show cause notice issued vide letter no. 2406-2407 dated 19.7.2022 is enclosed herewith as **Annexure-A**.
6. That the Executive Officer, Municipal Council, Deena Nagar vide letter dated 26.7.2022 has given reply to show cause notice dated 19.7.2022 to the office of Senior Environmental Engineer, Zonal Office, Amritsar. The reply given by the Executive Officer, Municipal Council, Deena Nagar is summarized herein below:
 - a) That MC Dinanagar is generating 6 ton waste per day in which 4.2 TPD segregated waste (2.2 Ton TPD dry waste wet waste for compositing and 2 TDP dry waste part of which is solid and some part is convert into bails) collected by MC Dinanagar and 1.8 TPD mix waste shall be collected in segregated form when the MC Dinanagar shall achieve 100% source segregation.
 - b) The trammel machine has been purchased by the MC Dinanagar and is still to installed on dump site and immediately the work will start there.
 - c) That as well as the work will start with the trammel machine the work will be done in expert supervision and all the discrepancies will be removed certainly. As the tender has been published for the installed of terminal machine.
 - d) The process regarding boundary wall is pending between the counsel and the tender has to be published in very short.
 - e) The base of trammel machine has to be constructed on the spot and the tender has already been published as mentioned in above para. As well as the committee allot the tender the machine will work immediately.
 - f) The pits were working properly as the wet waste was settled in the all pits and one circle was completed and the fertilizer got from the cycle has already been distribute to the needy

people as per their requirement. The circle is still going on as the pits are working as filled with the wet waste at present.

- g) The MC Dinanagar has no site for sanitary land fill as there is requirement for another area for the same purpose.
- h) The MC Dinanagar is collecting solid waste 100% door to door.
- i) The MC Dinanagar is very cautious for the transportation of the waste and always provided the cover to the vehicle in compartmentalized way and also utilizing the everything required as per the provisions of solid waste management rules.

As for the Bank Guarantee are concern the MC Dinanagar is bound to renew the same as the Bank Guarantee already expired so the MC Dinanagar is ready to renew the Bank Guarantee within very short period.

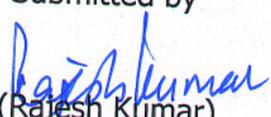
A copy of reply dated 26.7.2022 of Municipal Council, Deena Nagar is enclosed herewith as **Annexure-B**.

7. That it is pertinent to mention here that the Hon'ble National Green Tribunal vide order dated 10.1.2020 passed in the matter of O.A No. 606 of 2018, had directed that continued failure of compliance of Solid Waste Management Rules, 2016 after 31.3.2020 will result in liability of every Local Body to pay compensation at the rate of Rs.10.0 lakh per month per Local Body for population of above 10.0 lakhs, Rs. 5.0 lakh per month per Local Body for population between 5.0 Lakhs and 10.0 Lakhs and Rs. 1.0 Lakh per month per other Local Body from 1.4.2020 till compliance.
8. That in compliance to the orders dated 10.1.2020 passed by the Hon'ble National Green Tribunal in O.A No. 606 of 2018, the Punjab Pollution Control Board is imposing Environmental Compensation upon Urban Local Bodies for their failure to make compliance of Solid Waste Management Rules, 2016. Considering the population of Deena Nagar City, the Environmental Compensation for every month was calculated @5.0 lacs per month. Accordingly, Environmental Compensation **(Calculated for non-compliance of Sr. no. 1 to 10 of Rules 22 of SWM Rules 2016 & Sr. No. 11 to Rule 22) @ Rs. 18.0 Lakh was imposed upon Municipal Council, Deena Nagar with effect from 1.7.2020 to 31.3.2021 and Rs. 22.0 Lakh with effect from 1.4.2021 to 28.2.2022** through the Department of Local Government, Punjab. The Punjab Municipal Infrastructure Development Company (PMIDC), a Government of Punjab undertaking, in compliance to the directions of the

Punjab Pollution Control Board has deposited the Environmental Compensation of Rs. 17.51 Lakh and the balance amount of Environmental Compensation @ Rs. 22.49 Lakh is yet to be deposited with the Punjab Pollution Control Board.

9. That the Punjab Pollution Control Board in compliance to the orders of the Hon'ble National Green Tribunal as explained in paragraph 8 above has further imposed Environmental Compensation upon M.C Deena Nagar for non-compliance of Solid Waste Management Rules, 2016 and continuous failure for commencement of bio remediation of legacy waste @ Rs. 38.0 Lakh (19.0 Lakh + 19.0 Lakh) for the period of violation from 1.3.2022 to 30.9.2023.
10. That the Hon'ble National Green Tribunal vide order dated 5.10.2023 passed in the above mentioned case has also constituted a Joint Committee comprising of representative of Central Pollution Control Board (CPCB); Punjab State Pollution Control Board (PSPCB) and District Magistrate (DM), Gurdaspur with direction to file factual and action taken report within one month by email @ judicial-ngt@gov.in in the form of searchable PDF / OCR supported PDF. The State PCB was directed to be the nodal agency for coordination and compliance. In compliance to the said orders dated 5.10.2023, the Joint Committee has filed its report before the Hon'ble Tribunal.
11. That the Punjab Pollution Control Board has already taken appropriate action against Municipal Council, Deena Nagar as explained above and the Board has also issued directions to Municipal Council, Deena Nagar to make compliance of the provisions of the Solid Waste Management Rules, 2016.
12. That the reply of the Punjab Pollution Control Board is hereby submitted for kind perusal and consideration of the Hon'ble National Green Tribunal

Date: 20/11/2023
Place: Batala

Submitted by

(Rajesh Kumar)
Environmental Engineer,
Punjab Pollution Control Board,
Regional Office, Batala

37



PUNJAB POLLUTION CONTROL BOARD

Zonal Office, Plot No. 164, Focal Point, Mehta Road, Amritsar

Tele Fax:- 0183-2581420

Website:- www.ppcb.gov.in

email:- seezoasr@yahoo.com

No.

Regd.

To

The Executive Officer,
Municipal Council Dinanagar,
Dinanagar, Distt. Gurdaspur.



Subject: Show cause notice for violations of the provisions of Solid Waste Management Rules, 2016 (18712969).

Whereas, the Ministry of Environment & Forests, Government of India, New Delhi, in exercise of the powers conferred under the Environment (Protection) Act, 1986 and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000 has notified the Solid Waste Management Rules, 2016.

And whereas, under these Rules, the Municipal Authority is responsible for implementation of the provisions of the Solid Waste Management Rules, 2016, including infrastructure development for collection, storage, segregation, transportation, processing & disposal of municipal solid waste.

And whereas, Environmental Engineer Regional Office has reported that the Municipal Solid Waste dump site of Municipal Council, Dinanagar was visited by the AEE on 19.04.2022 to verify the compliance of the provisions of the Municipal Solid Waste Management Rules, 2016. During visit, it was observed as under:-

1. Presently approx. 6 TPD of Municipal Solid Waste is being disposed on daily basis at the dumping site located near police station.
2. Huge quantity of legacy waste was found at dump site.
3. Mixed Municipal Solid Waste consisting biodegradable and non- biodegradable material, lot of plastic waste found disposed at dump site.
4. The MC has not provided boundary wall, Green belt, CCTV Cameras & Piezometer at dump site.
5. One no. trammel machine has installed at the dump site and same was found non-operational.
6. MC has provided MRF at Singowal road. MC has provided compost pits at MRF site and compost was found in these pits. No wet waste was found present at the site/pits. 7. The MC has installed one no. bailing machine at MRF site. Separate compartments have been provided by MC for storage of segregated material but same were not in use.
7. MC has not its sanitary land fill site.
8. MC has claimed its 100% of door to door collection of solid waste. However, MC is doing approx. 80% of segregation of solid waste at source.
9. MC has provided covered compartmentalized vehicles for transportation of waste. 11. MC has provided GPS with their major transport vehicles.

And whereas, it is further reported that earlier, the Hon'ble NGT Monitoring Committee was imposed bank guarantees to the MC, Dinanagar for non-compliance of solid waste management rules, 2016. The detail of the bank guarantees submitted by MC, Dinanagar is as under:- Amount of Bank Guarantee Reason of Bank Guarantee 2,00,000/- 100% door to door collection of Solid Waste. 1,00,000/- Treatment of wet waste. 1,00,000/- MRF Commissioning 1,00,000/- Legacy waste remediation. 1,00,000/- Boundary Wall and Green Belt The validity of bank guarantees submitted by MC have been expired. The MC was requested vide this office letter no. 2053 dated 17/08/2021, no. 2563 dated 24/11/2021, no. 258 dated 09/02/2022 & no. 370 dated 02/03/2022 to submit renewed bank guarantees to this office, but till dated MC has failed to submit renewed bank guarantees in this office. The MC has not

obtained authorization under Solid Waste Management Rules, 2016 from the Board. The MC, Dinanagar is violating the provisions of solid waste management rules, 2016 and report forwarded to EPA Cell for further necessary action.

And whereas, Environmental Compensation amounting to Rs. 18 lakhs was imposed on MC, Dinanagar vide Board's letter no. 7268 dated 23-03-2021 as per template framed by CPCB, for violation of activities from Sr. no. 1 to 10 and 11 as mentioned at Rule 22 of SWM Rules, 2016, for the period 01-07-2020 to 31-03-2021. Out of the aforesaid amount, Environmental Compensation amounting to Rs.17.51 lakhs has already been submitted by the ULB. Further, the Department of Local Govt. has been requested vide letter no. 72 dated 27-04-2022 to deposit the balance amount i.e. 0.49 lakhs pertaining to the ULB.

And whereas, it is further reported that Environmental Compensation amounting to Rs. 22 lakhs for the continuous failure in compliance to above said activities of SWM Rules, 2016 for the period 01-04-2021 to 28-02-2022 has also been imposed on the ULB vide Board's letter no. 107 dated 29-04-2022. Accordingly, the Regional Office was requested vide letter no. 278-93 dated 16.05.2022 to take up the matter with the concerned ULB for deposition of the Environmental Compensation in compliance to order dated 10-01-2020 and 17-09-2020 of Hon'ble NGT passed in O.A no. 606 of 2018 and to comply with the provisions of the said rules.

And whereas, it has now been proposed to initiate action against the M.C. as per provisions of the Solid Waste Management Rules, 2016.

However, before the above actions are taken, the M.C. is hereby issued Show Cause Notice for violation of various provisions of the Solid Waste Management Rules, 2016 as to why action proposed may not be taken against the M.C. You are hereby given an opportunity to file objections, in writing, **within 15-days** from the issuance of this Show cause Notice, if any, failing which it will be presumed that the M.C. has nothing to say and action as proposed above will be taken against the M.C. for willful violations of the provisions of the Solid Waste Management Rules, 2016 without giving any further opportunity.

Sd/-

**Environmental Engineer
For Senior Environmental Engineer**

Dated. 19/7/22

Endst. No. 2407

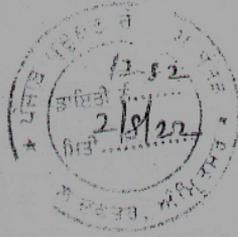
A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board Regional Office, **Batala** for information and necessary action and it is intimated that the **Competent Authority of the Board has decided to issue show cause notice for violations of above said Act to the M.C.**

Keeping in view of above, you are requested to ensure that the M.C. has the knowledge about the show cause notice issued. Environmental Engineer Regional Office to check whether the M.C. has filed any written reply to the above said show cause notice and if so he should take the same on record and check the compliance and submit his complete report along with recommendations to Zonal Office immediately after the expiry of the 15-days time period.

Sd/- 19/7/22

**Environmental Engineer
For Senior Environmental Engineer**

39



EE
 28/08/22
 M. K.

Environmental Engineer,
 Senior Environmental Engineer,
 Punjab Pollution Control Board,
 Zonal office, Plot No.164, Focal Point,
 Mehta Road, Amritsar.

Subject The reply of show cause notice dated 19.07.2022 for violation of the provision of Solid Based Management Rule 2016.

Sir,

The parawises reply are under:-

1. That, in reply to this para of the notice it is submitted that MC Dinanagar is generating 6 ton waste in per day in which 4.2 TPD segregated waste (2.2 Ton TDP wet waste for compositing and 2 TDP dry waste part of which is solid and some part is convert into bails) collected by MC Dinanagar and 1.8 TPD mix waste shall be collected in segregated form when the MC Dinanagar shall achieve 100% source segregation.

2. That, the trammel machine has been purchased by the MC Dinanagar and is still to installed on damp site and immediately the work will start there.

3. That, as well as the work will start with the trammel machine the work will be done in expert supervision and all the discrepancies will be removed certainly. As

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the tender has been published for the installment of terminal machine.

4. That, the process regarding boundary wall is pending between the counsel and the tender has to be published in very short.
5. That, the base of trammel machine has to be constructed on the spot and the tender has already been published as mentioned in above para. As well as the committee allot the tender the machine will work immediately.
6. That, the pits were working properly as the wet waste was settled in the all pits and one circle was completed and the fertilizer got from the cycle has already been distribute to the needy people as per their requirements. The circle is still going on as the pits are working as filled with the wet waste at present.
7. That, the MC Dinanagar has no site for sanitary land fill as there is requirement for another area for the same purpose.
8. That, the MC Dinanagar is collecting solid waste 100% door to door.
9. That, the MC Dinanagar is very cautious for the transportation of the waste and always provided the cover to the vehicle in compartmentalized way and

also utilizing the everything required as per the provision of solid waste management rules.

As for the bank guarantees are concern the MC Dinanagar is bound to renew the same as the bank guarantee already expired, so the MC Dinanagar is ready to renew the bank guarantee within very short period.

So it is request to the Hon'ble authority that the MC Dinanagar is very much cautious to follow the provision of Solid Waste Management Rules, 2016 and also ready to give the guarantee as per requirement of the Board.

Submitted by


Executive Officer,
MC Dinanagar
Municipal Council
Dinanagar
Dated 26.07.2022