

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

Original Application No.04/2022

IN THE MATTER OF:-

Sanjay Kumar

Applicant

Versus

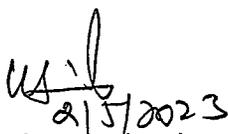
Union of India &Ors.

Respondent

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Placed:- Panchkula
Dated: 02.05.2023


 (Virender Lather)
 Commissioner Municipal Corporation,
 Panchkula

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

Original Application No.04/2022

IN THE MATTER OF:-

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Union of India &Ors.

Respondent

**Status report of Virender Lather,
Commissioner, Municipal Corporation,
Panchkula in compliance of order dated 15
November 2022.**

1. That I, in my official capacity as Commissioner Municipal Corporation, Panchkula am well conversant with the facts and circumstances of the present case and competent to file the present status report on behalf of Joint Committee constituted by this Hon'ble Court.
2. That the status report is being filed with respect to the directions dated 15 November 2022 issued by this Hon'ble Tribunal. Relevant part of the said order dated 15 November 2022 is reproduced hereunder:-

"5. We have heard learned Counsel for the parties. We see no reason not to accept the report. Accordingly, we accept the same and direct action in terms of recommendation in the report. Further, we note that as per the report of the Chief Secretary,

Haryana filed on O.A. 1011/2018, Jagdish Kumar vs. State of Haryana, as noted in order dated 09.05.2022, at Panchkula, legacy waste at Panchkula is 2.5 lakh metric tones spread in 10 acres of land which must be remediated, apart from handling the current waste. In this regard, we may also refer to recent orders on the subject in the context of Bandhwari site in Gurgaon, Haryana, i.e. order dated 23.09.2022 in O.A. No. 172/2021, Poonam Yadav vs. M/s Ecogreen Energy Pvt. Ltd. &Ors. Observations therein may apply to the present site also. As noted in the report, contamination of water or violation of Forest and Wildlife Laws has to be stopped and for past violations, compensation has to be assessed. We determine compensation at Rs. 10 crores. Rs.9 crore to be deposited by the Municipal Corporation, Panchkula and Rs. 1 crore on Municipal Council, Kalka. This amount is being fixed in view of calculation of the Regional Officer, State PCB, Panchkula dated 17.08.2022 (Annexure-14 to the report) and also the rate applied in other such cases i.e. Rs. 300 per metric tonne with remaining amount to cover other violations. The amount may be deposited within one month with the District Magistrate, Panchkula for being used for restoration measures in accordance with the District Environment Plan particularly to reverse the damage as found in the report.

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6. To execute this order, we constitute eight-member joint Committee to be headed by Additional Chief Secretary, Urban Development, Haryana. Other members will be Additional Chief Secretary, Environment, Regional Director, CPCB, Chandigarh, Member Secretary, SEIAA, Member Secretary, State PCB, District Magistrate, Chief Wildlife Warden, Panchkula and DFO, Panchkula.

ACS, Urban Development, will steer the proceedings of the Committee. The Committee may meet within one week and take stock of the situation and prepare and execute its action plan in the light of recommendations in above report and also considering observations of the Tribunal in Bandhwari case on emergency basis at the earliest. The execution will include remediation and recovering of land in question, identification of new site for setting up of adequate capacity of waste processing plant meeting the criteria as per MSW Rules, 2016. Substantial progress in the matter must be achieved within three months.

7. The Committee will be free to co-opt any other Institution/Expert and also to interact with all stakeholders including the Welfare Association and public at large. Any interested person will be at liberty to give their representation to the Committee. An action taken report of compliance status as on 31.03.2023 may be filed on or before 15.04.2023 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".

- WP*
3. That in compliance of the aforesaid orders, the Environmental compensation amounting to Rs. 9.00 Crore by Municipal Corporation, Panchkula and Rs. 1.00 Crore by Municipal Council, Kalka-Pinjore has been deposited with Deputy Commissioner, Panchkula vide demand draft No. 001277 dated 14.12.2022 & 16942 dated 14.12.2022 respectively.
 4. That two meetings of the Joint Committee constituted by this Hon'ble Tribunal have been held on 25.11.2022 and 06.02.2023. The Joint Committee also visited the legacy waste site at Sector-23 and

dumping site at Jhuriwala, Panchkula. The copies of the minutes of meeting held on 25.11.2022 & 06.02.2023 are annexed herewith as **Annexure D-1 & Annexure D-2** respectively.

5. That a Sub-Committee comprising of Commissioner, Municipal Corporation, Panchkula, District Forest Officer and Tehsildar, Panchkula was constituted to identify the alternate suitable land for setting up of SWM plant. But no suitable land for setting up of SWM Plant confirming to the provisions of Environment Clearance, was found. Accordingly, it was decided that fresh waste of Municipal Corporation, Panchkula shall be transported and processed at processing site of Municipal Corporation, Ambala i.e. Patvi. The tender for the same has also been finalized and work will be started w.e.f. 01.05.2023.
6. That it is respectfully submitted that the work of Bioremediation of legacy waste lying at Sector-23 dump site was started in September 2020 and approximate 1.20 Lakh MT waste was remediated but due to some dispute, agency stopped work in April 2021. Accordingly, after completing all the legal formalities, agreement was closed in January 2022. After that, legacy waste lying at Sector-23, Panchkula was got re-assessed and found approximate 3.05 Lakh MT. The tenders were invited in July 2022, September 2022, October 2022 and December 2022 but could not materialize due to non-receipt of bids or less participation. Thereafter, fresh tender for bio-remediation of legacy waste was floated in the month of January 2023 and same has been finalized in April 2023 and all the waste will be remediated upto December, 2023.

7. That the dumping of fresh waste of MC, Panchkula and MC Kalka-Pinjore at Jhuriwala site was started in June, 2021. Till April, 2022, the waste was not being processed at Jhuriwala site. After April, 2022, an agency was engaged for door to door collection, segregation, transportation and processing of daily generated waste of MC, Panchkula and waste was processed on regular basis. Accordingly, the waste accumulated at the Jhuriwala site from June, 2021 to April, 2022 was also got assessed from Punjab Engineering College (PEC) and found approximate 90000 MT. The process for hiring of agency for disposal of the legacy waste is undergoing. It is expected that the process will be completed within a month and waste will be remediated by October, 2023. Till then, the windrows have been formed of the waste for stabilization and bio-culture spray is being done on regular basis to prevent odor.
8. That the agency for collection, segregation, transportation and processing of daily generated fresh waste in Municipal Council, Kalka-Pinjore has also been selected and work has also been started. The waste is being transported and processed at processing site at Saha, Distt Ambala.
9. That Hon'ble High Court of Punjab & Haryana at Chandigarh has also been apprised with the progress vide affidavit dated 20th April 2023 in CWP No 18664 of 2021. After perusing the same, Hon'ble High Court adjourned the matter to 6th July 2023 and directed to file fresh status report by mentioning all subsequent events and developments. Copy of Status Report dated 20.04.2023 submitted before the Hon'ble High Court of Punjab & Haryana is annexed

herewith as **Annexure D-3**. Copy of order dated 24.04.2023 passed by Hon'ble High Court is annexed herewith as **Annexure D-4**.

10. That the Municipal Corporation, Panchkula and Municipal Council, Kalka-Pinjore are taking sincere and effective steps to comply with the directions of Hon'ble NGT in its letter and spirit. However, some delay has occurred due to some unavoidable circumstances and the deponent tenders unconditional apology from this Hon'ble Tribunal, and also assure that Municipal Corporation, Panchkula is committed to remove all the legacy waste as well as scientific disposal of fresh waste on regular basis. The aforesaid status report may kindly be accepted and to be placed on record before this Hon'ble National Green Tribunal.

Place: **PANCHKULA**
Dated: **02.05.23**


21/5/2023
Deponent
(Virender Lather)
Commissioner,
Municipal Corporation, Panchkula

VERIFICATION:-

Verified that the contents of Para no. 01 to 10 of the above action taken report is true and correct to my knowledge and information as derived from the official record. No part of it is false and nothing has been kept concealed therein.

Place: **PANCHKULA**
Dated: **02.05.23**


21/5/2023
Deponent
(Virender Lather)
Commissioner,
Municipal Corporation, Panchkula

शहरी स्थानीय
निकाय निदेशालय
हरियाणाDIRECTORATE OF URBAN
LOCAL BODIES
HARYANAप्लॉ. सं. 11-14, सेक्टर 4, पंचकुला, हरियाणा
Bay No. 11-14, Sector 4, Panchkula, HaryanaTel.: +91 172 2570020 : Fax: +91 172 2570021
Website: www.ulbharyana.gov.in ; email: dulbhry@hry.nic.in

To

1. Additional Chief Secretary to Govt. of Haryana, Environment and Climate Change Department
2. Additional Chief Secretary to Govt. of Haryana, Urban Local Bodies Department
3. Member Secretary, Haryana Pollution Control Board
4. Member Secretary, SEIAA
5. Deputy Commissioner, Panchkula
6. Commissioner, Municipal Corporation- Panchkula
7. Chief Wildlife Warden, Panchkula
8. Regional Director, CPCB- Chandigarh
9. District Forest Officer, Panchkula
10. Tehsildar, Panchkula
11. Executive Officer, Municipal Council-Kalka

Memo No: - Tech/NGT/ 2022/6923

Dated: 08.12.22

Subject: Minutes of 1st Meeting held on 25.11.2022 at 03:30 PM in compliance of Orders of NGT dated 15.11.2022 under Original Application No. 04/2022 (I.A. No. 240/2022) titled as Sanjay Kumar Vs Union of India & Ors.

I have been directed to forward the Minutes of 1st meeting held on 25.11.2022 at 03:30 PM in compliance of orders of NGT dated 15.11.2022 under Original Application No. 04/2022 (I.A. No. 240/2022) titled as Sanjay Kumar Vs Union of India & Ors for information and further necessary action please.

This issues with the approval of Additional Chief Secretary to Govt. of Haryana, Urban Local Bodies Department.

DA: As above

Executive Engineer-II,
for Director, Urban Local Bodies,
Haryana, Panchkula.

CC:

1. PS / ACS-ULB
2. PA / DULB
3. PA / CE
4. EE-VI, ULB HQ

MoM 25.11.2022

Minutes of 1st Meeting of Joint Committee constituted by NGT in Original Application No. 04/2022 (I.A No. 240/2022) Sanjay Kumar Vs Union of India & Ors.

1. Hon'ble NGT constituted a Joint Committee to be headed by Additional Chief Secretary to Govt. of Haryana, Urban Local Bodies Department vide order dated 15.11.2022 in the matter of Original Application No. 04/2022 (I.A No. 240/2022) Sanjay Kumar Vs Union of India & Ors, to take stock of the situation and prepare & execute its action plan in the light of recommendations in above orders and also considering the observations of the Tribunal in Bandhwari case on emergency basis at the earliest. The execution will include remediation and recovering of land in question, identification of new site for setting up of an adequate capacity of waste processing plant meeting the criteria as per MSW Rules - 2016 with the following members :
 - i. Additional Chief Secretary to Govt. of Haryana, Environment and Climate Change Department.
 - ii. Member Secretary, Haryana State Pollution Control Board
 - iii. Member Secretary, SEIAA.
 - iv. Deputy Commissioner, Panchkula.
 - v. Chief Wildlife Warden, Panchkula.
 - vi. Regional Director, CPCB, Chandigarh.
 - vii. District Forest Officer, Panchkula.
2. The 1st meeting of Joint Committee was held on 25.11.2022 at 03:30 PM in Directorate of Urban Local Bodies, Panchkula. Following were present in the meeting:

| Sr.No | Name & Designation | Department |
|-------|--|--------------------------------|
| 1. | Sh. Vineet Garg, IAS, Additional Chief Secretary to Govt. of Haryana | Environment and Climate Change |
| 2. | Sh. Arun Gupta, IAS, Additional Chief Secretary to Govt. of Haryana | Urban Local Bodies |
| 3. | Sh. D.K. Behera, IAS, Director | Urban Local Bodies |
| 4. | Sh. Mahaveer Kaushik, IAS, Deputy Commissioner | Panchkula |
| 5. | Sh. Pardeep Kumar, IAS, Member Secretary | HSPCB & SEIAA |
| 6. | Sh. Pankaj Goel, PCCF | Wild Life |
| 7. | Sh. Gurnam Singh, Regional Director | CPCB |
| 8. | Smt. Mamta Sharma, HCS, Joint Commissioner | MC-Panchkula |
| 9. | Sh. B.S. Raghav, DFO | Forest |
| 10. | Sh. Akshay Bhardwaj, Executive Engineer | MC-Kalka |
| 11. | Sh. Mandeep Singh, Executive Engineer | MC-Panchkula |
| 12. | Sh. Anand Aggarwal, Executive Engineer | DULB(HQ) |
| 13. | Sh. Ranbir Singh, Executive Engineer | DULB (HQ) |
| 14. | Sh. V.S. Punia, Regional Officer | HSPCB |

Signature
S.F.I.

MoM 25.11.2022

3. Director, ULBD welcomed all the participants and briefed about the directions of Hon'ble NGT in the subject cited matter.
4. The Joint Committee asked the Joint Commissioner, MC - Panchkula regarding current scenario of waste management in MC- Panchkula and availability of the alternative land for setting up of Solid Waste Management Plant to cater current waste generation.
5. Joint Commissioner, MC- Panchkula informed the Joint Committee that current waste generation of MC- Panchkula is approximate 150 TPD which is being dumped at Jhuriwala site. She informed that a trammel of approximate 300 TPD capacity has been installed at Jhuriwala site by the agency hired by MC- Panchkula for processing of fresh waste. She further informed that approximate 2-3 Lakh MT legacy waste is lying at old dump site situated at Sector 23 and approximate 30,000 MT waste is lying at Jhuriwala Site. The tender for remediation of legacy waste site at Sector 23 has been invited by MC- Panchkula and is under Technical evaluation. The waste lying at Jhuriwala site is being processed by the agency already hired by MC- Panchkula for management of fresh waste and she informed that the agency has promised to process all the waste within 45 days.
6. The Joint Committee discussed about legal procedure for obtaining EC for Jhuriwala site but it was observed that Jhuriwala site is not fulfilling the criteria of obtaining Environmental Clearance (EC). The committee observed that there is a need to identify another piece of suitable land for setting up of SWM Plant. The Committee decided to constitute a Sub-Committee headed by Commissioner, MC-Panchkula with Tehsildar- Panchkula & District Forest Officer (DFO)- Panchkula as a member to identify suitable land for SWM Plant, so that the same can be finalized by the Joint Committee after considering the applicable rules and guidelines. This Sub-Committee will identify the land within next 15 days and submit before the Joint Committee in its next meeting.
7. The Joint Committee directed that MC- Panchkula shall finalize the tender case of Remediation of legacy waste dumped at Sector 23 site and submit the same to competent authority for necessary approval within 7 days. Further, the Joint Committee directed that MC- Panchkula and MC- Kalka will deposit the amount of Environmental Compensation levied by Hon'ble NGT with Deputy Commissioner- Panchkula within 15 days.

Adhawal
S.F.I.

MoM 25.11.2022

8. The Joint Committee decided that Commissioner, Municipal Corporation- Panchkula shall act as Member Secretary of the Joint Committee and will arrange all the further meetings of the Joint Committee. Moreover, MC-Panchkula shall also liable to prepare meeting agenda & issuance of Minutes of Meeting after taking approval.
 9. The Joint Committee also visited the dumping sites at Sector 23 and Jhuriwala. The agency and Chief Sanitary Inspector (CSI), MC- Panchkula were also present at Jhuriwala Site. Joint Committee asked CSI, MC- Panchkula about how much fresh waste is being received at site, how much waste is being processed, how much processed fractions are being taken outside from the site for further disposal, how much recyclable material are being recovered from fresh waste and their disposal thereof.
 10. CSI, MC- Panchkula informed the Joint Committee that they are keeping the record of incoming waste only with due weighment but the record of processed fractions such as RDF, compost, recyclable materials is not being maintained by them. He further informed that some of the wet waste is being taken by the agency to the bio-methanation plant at Jatwar (Ambala) and the recyclable materials are being taken by informal ragpickers but no record has been maintained by the MC- Panchkula for this.
 11. Joint Committee directed MC- Panchkula to prepare a proper record of daily incoming fresh waste, fractions coming out of processing of fresh waste, recyclable materials recovered from waste and the recovered fractions being taken outside for further disposal.
 12. The Joint Committee asked the agency about capacity of trammel installed at Jhuriwala site for processing of fresh waste.
 13. Agency informed the Joint Committee that the capacity of trammel is 250 Tonnes for 10 hours and they are operating the machine for 20 hours a day. The agency also informed that approximate 500 Tonnes of RDF is being taken from site for final disposal on daily basis. The agency assured the Joint Committee that they shall process all the fresh waste accumulated at site within 45 days.
- Meeting ended with vote of thanks to all present.

Edward
S.F.I.

Minutes of the 2nd meeting of Joint Committee constituted by NGT in OA No. 04-2022 (I.A. No. 240/2022) Sanjay Kumar Vs Union of India and Ors.

1. The 2nd meeting of Joint Committee constituted by NGT in OA No. 04-2022 (I.A. No. 240/2022) Sanjay Kumar Vs Union of India and Ors. was held under the Chairmanship of Additional Chief Secretary to Govt. Haryana, Urban Local Bodies Department on dated 06.02.2023 at 03:00 PM in O/o the Additional Chief Secretary to Govt. of Haryana, Urban Local Bodies Department, 3rd floor, New Sectt. -17, Chandigarh. Following were present in the meeting: -

| Sr. No. | Name & Designation | Department |
|---------|---|---------------------|
| 1. | Sh. Arun Gupta, IAS, Additional Chief Secretary to Govt. of Haryana | Urban Local Bodies |
| 2. | Sh. D.K. Behra, IAS, Director | Urban Local Bodies |
| 3. | Sh. Virender Lather, IAS, Commissioner | MC Panchkula |
| 4. | Sh. Pardeep Kumar, IAS, Member Secretary | HSPCB & SELAA |
| 5. | Sh. Gurnam Singh, Regional Director | CPCB |
| 6. | Smt. Mamta Sharma, HCS, SDM | Panchkula |
| 7. | Sh. B.S. Raghav, DFO | Forest, Panchkula |
| 8. | Sh. Ankit Lohan, Executive Engineer | DULB (HQ) |
| 9. | Sh. Mandeep Singh, Executive Engineer | MCPanchkula |
| 10. | Sh. Sandeep Singh (HFS) | Wildlife Department |
| 11. | Sh. Jurnail Singh, Executive Officer | MC, Kalka |
| 12. | Sh. Avinash Singla, Chief Sanitary Inspector | MC Panchkula |

2. At the outset, Commissioner, Municipal Corporation, Panchkula, Member Secretary of Joint Committee, welcomed all the participants and briefed about the orders of Hon'ble NGT in the matter. The Action Taken Report (ATR) in compliance of the directions issued by the Joint Committee in its 1st meeting held on 15.11.2022 was also appraised to the committee.
3. Committee was informed that the Sub-Committee constituted to identify an alternate site for setting up of ISWM Plant had submitted its report stating that no land in the ownership of MC Panchkula/MC Kalka/ Government suitable for setting up of the ISWM plant, confirming to the provisions of the MoEF/ authority competent for granting Environment Clearance, was found. Due to non-availability of suitable land, Municipal Corporation, Panchkula submitted a proposal to the Directorate of Urban Local Bodies for inclusion of Panchkula District in the project area of ISWM Ambala-Yamuna Nagar cluster. The Department has submitted the case to Government for consideration. Committee was of the opinion that Sub-Committee should also consider the private land conforming to the norms of MOEF for this purpose and same can be purchased/acquired, if found suitable. Committee suggested that all the stakeholder departments such as Forest, Pollution Control

Board, Panchayat, District Administration should also explore such private or public land where the SWM plant can be established.

4. It was further informed to the committee that during the last meeting the agency promised to clear the back log of the waste within 45 days. But the agency has not cleared the back log so far and only removed approximately 18,000 MT from the Jhuriwala site. Committee observed that the progress in processing and removal of the waste from the site by the agency is very slow and directed MC Panchkula to issue notice to the agency for the slow progress and to further ensure the clearance of the back log by 28th Feb 2023. It was informed to the Committee that an expert from Punjab Engineering College, Chandigarh has been engaged for the assessment of the legacy waste lying at Jhuriwala site pertaining to the period prior to the current contract. Committee directed to take immediate necessary action for the processing and removal of the waste by inviting a separate tender of short duration after obtaining necessary approval from the competent authority.
5. It was informed to the Committee that earlier tender for Bio remediation of legacy waste lying at Sector-23, Panchkula couldn't be finalised and a fresh tender has already been floated which will be opened on 14.12.2023. Committee expressed its displeasure for non-finalisation of the tender of the Bio remediation of legacy waste and directed to finalize the active tender. Committee further directed to get the assessment of legacy waste done before submitting the case for the approval of the competent authority.
6. Municipal Corporation, Panchkula was directed to submit the Action Taken Report (ATR) in compliance of the directions issued in this 2nd meeting of Joint Committee before 28.02.2023 for the consideration of the Committee in its next meeting scheduled to be held in 1st week of March 2023.

Meeting ended with vote of thanks to the Chair.

IN THE HON'BLE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP NO. 18664 OF 2021

Citizen Committee House Owners and Anr.

...Petitioners

Versus

Union of India and Ors.

...Respondents

Status report by way of an affidavit of Richa, Joint
Commissioner, Municipal Corporation, Panchkula, on
behalf of respondent no. 6.

I, the above named deponent, do hereby solemnly declare and affirm as
under:-

RESPECTFULLY SHOWETH:

1. That at the very outset, it is respectfully submitted that the instant petition is pending consideration before this Hon'ble Court and is now listed for hearing on 24.04.2023.
2. That it is respectfully submitted that the petitioners have approached this Hon'ble Court praying for issuance of directions to respondent nos. 3 to 6 to immediately stop dumping solid waste at the site in Village Jhuriwala and using it as a dump site as the same is illegal and violative of Article 21 of the Constitution of India.

3. That it is respectfully submitted that raising similar grievances, a petition was filed before the Hon'ble National Green Tribunal as well, bearing OA No. 4 of 2022 titled as Sanjay Kumar Vs. Union of India and others wherein the Tribunal sought a factual report from the joint committee comprising of State Pollution Control Board, Chief Conservator of Forest and the District Magistrate, Panchkula giving status about the site in question. The said report was filed on 13.11.2022 before the Tribunal. In the report it was concluded that the site in question is not fit for establishment of Municipal Solid Waste Facility and accordingly, the Tribunal while accepting the report directed the answering respondent to undertake restoration measures for recovering the land in question. The Hon'ble NGT has determined the compensation at Rs. 10.00 crores out of which Rs. 9.00 crores was to be deposited by the answering respondent and has further constituted eight members joint committee to take stock of the situation and prepare and execute an action plan in the light of the recommendations given in the report submitted before the Hon'ble NGT. The operative part of the directions passed by the Hon'ble NGT are reproduced here in below for the kind perusal of this Hon'ble Court:-

"...5. We have heard learned Counsel for the parties. We see no reason not to accept the report. Accordingly, we accept the same and direct action in terms of recommendation in the report. Further, we note that as per the report of the Chief Secretary, Haryana filed on O.A. 1011/2018, Jagdish Kumar vs. State of Haryana, as noted in order dated 09.05.2022, at Panchkula, legacy waste at Panchkula is 2.5 lakh metric tonnes spread in 10 acres of land which must be remediated, apart from handling the current waste. In this regard, we may also refer to recent orders on the subject in the context of Bandhwari site in Gurgaon, Haryana, i.e. order dated 23.09.2022 in O.A. No. 172/2021, Poonam Yadav vs. M/s Ecogreen Energy Pvt. Ltd. & Ors. Observations therein may apply to the present site also. As noted in the report,

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contamination of water or violation of Forest and Wildlife Laws has to be stopped and for past violations, compensation has to be assessed. We determine compensation at Rs. 10 crores. Rs.9 crore to be deposited by the Municipal Corporation, Panchkula and Rs. 1 crore on Municipal Council, Kalka. This amount is being fixed in view of calculation of the Regional Officer, State PCB, Panchkula dated 17.08.2022 (Annexure-14 to the report) and also the rate applied in other such cases i.e. Rs. 300 per metric tonne with remaining amount to cover other violations. The amount may be deposited within one month with the District Magistrate, Panchkula for being used for restoration measures in accordance with the District Environment Plan particularly to reverse the damage as found in the report.

6. To execute this order, we constitute eight-member joint Committee to be headed by Additional Chief Secretary, Urban Development, Haryana. Other members will be Additional Chief Secretary, Environment, Regional Director, CPCB, Chandigarh, Member Secretary, SEIAA, Member Secretary, State PCB, District Magistrate, Chief Wildlife Warden, Panchkula and DFO, Panchkula. ACS, Urban Development, will steer the proceedings of the Committee. The Committee may meet within one week and take stock of the situation and prepare and execute its action plan in the light of recommendations in above report and also considering observations of the Tribunal in Bandhwari case on emergency basis at the earliest. The execution will include remediation and recovering of land in question, identification of new site for setting up of adequate capacity of waste processing plant meeting the criteria as per MSW Rules, 2016. Substantial progress in the matter must be achieved within three months.

7. The Committee will be free to co-opt any other Institution/Expert and also to interact with all stakeholders including the Welfare Association and public at large. Any interested person will be at liberty to give their representation to the Committee. An action taken report of compliance status as on 31.03.2023 may be filed on or before 15.04.2023 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..."

True copy of the order dated 15.11.2022 is annexed herewith as **Annexure R-1** for the kind perusal of this Hon'ble Court.

4. That it is respectfully submitted that pursuant thereto, the Joint Committee constituted by the NGT had convened its first meeting on 25.11.2022 and the second meeting was held on 06.02.2023. The details of the steps being undertaken at the site in question were placed before the Committee. True copy of the Minutes of Meeting held on 25.11.2022 and on 06.02.2023 is annexed herewith as **Annexure R-2 (Colly)** for the kind perusal of this Hon'ble Court.
5. That it is respectfully submitted that thereafter the instant petition came up for hearing before this Hon'ble Court on 14.12.2022 whereby this Hon'ble Court was apprised of the order passed by the Hon'ble NGT and the steps undertaken by the answering respondent pursuant thereto. In the light of the same this Hon'ble Court was pleased to direct the answering respondent to place on record the subsequent events and the steps undertaken. The operative part of the order dated 14.12.2022 is reproduced here in below for the kind perusal of this Hon'ble Court:-

"...CWP-18664-2021

Learned counsel appearing for Municipal Corporation, Panchkula, states that as on date no dumping is taking place on the site in question

and it is only the legacy waste that had already been dumped there which is being processed and taken away from that place. He also submits that the authorities are examining the matter and has already constituted a Committee to relocate the dumping site and to rehabilitate the area in question. He further submits that as on date, pursuant to the impugned order passed by this Court, and the National Green Tribunal, the area in question is not being used as a dumping site and only the fresh waste which is collected on day to day basis dumped there and processed and all efforts are being made to identify/search an alternative site for rehabilitating the area.

Respondents are directed to place on record the subsequent events and steps taken by them.

Adjourned to 23.02.2023..."

The instant affidavit is being filed in compliance of the aforesaid order passed by this Hon'ble Court.

6. That it is worthwhile to mention here that a fresh tender for door-to-door collection, segregation, transportation as well as processing of the Municipal waste has been invited on 09.02.2023 and financial bid was opened on 28.02.2023. Thereafter, the case was forwarded to Director General Urban Local Bodies Haryana for approval of the rates. In this regard, a meeting dated 16.04.2023 headed by the Hon'ble Chief Minister, Government of Haryana was held for the approval of the rates. It is worthwhile to mention here that vide letter bearing no. EE-IV/DULB/2023/821 dated 19.04.2023 it has been conveyed that the solid waste of Municipal Corporation, Panchkula is to be transferred to the processing site of Municipal Corporation, Ambala at Patvi for further processing and disposal of different fractions produced after the processing. True copy of the letter dated 19.4.2023 is annexed herewith as **Annexure R-3** for the kind perusal of this Hon'ble Court.

7. That as far as the legacy waste lying at the site in question is concerned, in that regard it is submitted that a consultant from Punjab Engineering College (PEC) was engaged for assessment of legacy waste lying at Jhuriwala site accumulated from June, 2021 to April, 2022. The Legacy waste site had been visited by the consultant and now the assessment has been completed. The tender for final disposal of the legacy waste was floated with the last date 10.04.2023 but the same could not be finalized due to single bid. Again, tender for final disposal of the legacy waste has been recalled on 11.04.2023 and the last date for participation in this tender is 26.04.2023.
8. That it is further pertinent to mention here that the joint committee in its meeting held on 25.11.2022 had directed the answering respondent to look for an alternative land for setting up of solid waste management plant to cater current waste generation. Since no such site was found suitable, the answering respondent had requested the Director, Urban Local Bodies, Haryana vide letter dated 26.12.2022 for merging Municipal Corporation, Panchkula and Municipal Corporation Kalka and Pinjore cluster into Ambala cluster for setting up of integrated solid waste management plant. True copy of the letter dated 26.12.2022 is annexed herewith as **Annexure R-4** for the kind perusal of this Hon'ble Court.
9. That it is respectfully submitted that the answering respondent had sent a Demand Draft bearing No. 001277 dated 14.02.2023 of Rs. 9.00 crores as compensation to District Magistrate, Panchkula as was directed by the Hon'ble NGT. The committee constituted by the Hon'ble NGT is also being apprised of the efforts being undertaken by the answering respondent in this regard. In addition to the aforesaid, the answering respondent undertakes to further comply with any directions which this Hon'ble Court may be pleased to issue in reference to the issue in question.

10. That it is further respectfully submitted that at this stage, the instant affidavit is being filed in compliance of the order dated 14.12.2022 passed by this Hon'ble Court and seek liberty of this Hon'ble Court to file a detailed written statement, if the necessity so arises, with the permission of this Hon'ble Court.

It is, therefore, respectfully prayed that in view of the aforementioned facts and submissions, present petition may kindly be disposed of, in the interest of justice.

Date: 20.04.2023
Place: Chandigarh


Richa
Joint Commissioner
Municipal Corporation Panchkula,
on behalf of respondent no. 6

Through Counsel

Date: 20.04.2023
Place: Chandigarh

(ANKUR MITTAL) (KUSHALDEEP KAUR)
P/1296/01, PH/3202/19
NOR-PH-220610 NOR-PH-222744

(JUGAM ARORA)
PH/2633/2019
NOR-PH222440
ADVOCATES
COUNSEL FOR THE RESPONDENT No. 6
M: 9878699000/9275700100
mittalattorneys@mittalattorneys.com

VERIFICATION:-

Verified that the contents of Para no. 1 to 10 of the above status report by way of an affidavit are true and correct to my knowledge and information as derived from the official record. No part of it is false and nothing has been kept concealed therein.

Date: 20.04.2023
Place: Chandigarh


Richa
Joint Commissioner
Municipal Corporation Panchkula,
on behalf of respondent no. 6

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CWP-18664-2021 (O&M)

CITIZEN COMMITTEE HOUSE OWNERS AND ANR V/S UNION OF INDIA AND ORS

Present: Mr. Amit Jhanji, Sr. Advocate with
Mr. Prashant Gupta, Advocate and
Ms. Nikita Garg, Advocate for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Ashish Rawal, Advocate for UOI.

Mr. Deepak Balyan, Addl. A.G. Haryana.

Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate for respondent No.6.

Mr. R.S. Madan, Advocate for respondent No.8.

Mr. Anil Chawla, Advocate for respondent No.10.

Learned counsel for respondent No.6 submits that a new site has been identified for the purposes of establishing a dumping yard and therefore, he may be granted time to file a fresh status report by mentioning all subsequent events and developments.

Adjourned to 06.07.2023.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

24.04.2023
Manoj Bhutani