

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

**M.A. No. 79/2023**

**IN**

**O.A. 758/2022**

**IN THE MATTER OF:**

Paldan Phuchang

APPLICANT

VERSUS

State of H.P.AND THREE OTHERs

RESPONDENTS

**REPORT FILED BY THE MUNICIPAL COUNCIL MANALI**

Dated: 26.03.2024

**DEVENDRA SINGH & ASSOCIATES  
ADVOCATE**

Chamber-430, M.C Setelvad, New Lawyers Chamber Block, Supreme Court  
of India, Bhagwan Dass Road, New Delhi-110001  
Mobile No. 9910316066, Email-86.thakur@gmail.com

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RESPONDENTS

**Compliance cum Status report filed on behalf of the Respondent  
Number-4 i.e. Executive officer Municipal Council Manali**

Dated 26-03-2024

Place: - Manali

Respondent Number 4

Executive Officer

Municipal Council Manali

Distt. Kullu (H.P.)

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It is certified that all the documents contained in the above annexure are true copies.

Dated on this 26<sup>th</sup> Day of March 2024 at Manali

Respondent no.4  
Executive Officer  
Municipal Council, Manali  
Distt. Kullu (H.P.)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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RESPONDENTS

**Compliance cum Status Report on behalf of Respondent No. 4 i.e. Executive officer Municipal Council Manali**

It is to submit that the vide order dated 25.01.2024 in M.A. No. 79/2023 in O.A No. 758/2022, Hon'ble NGT, Principal bench, New Delhi issued a direction to Respondent No.-4 to file status report. Respondent No. 4 submits the present compliance/status report as under.

In this regard, the following are submitted:

- 1. Quantum of Legacy Waste:** It is submitted that the Urban Development Department Shimla has awarded a tender in July 2021 to M/s Rekart Innovation Pvt. Ltd for the Bio remediation and Bio-mining of legacy waste for a quantity of 40,000 MT. Till date the company has processed 18331MT of legacy waste and has sent 476MT of Refused Derived Fuel to Thermal Plants for end disposal. Due to heavy snowfall and rainfall in the month of February, the processing of legacy waste was slower down. The copy is submitted as **Annexure-1**.

2. **Processing of Municipal Solid waste:**
  - a) It is submitted that the Dry Waste is being currently processed in to Refused Derived Fuel by M/s NextGen Chemicals Pvt. Ltd. Company and is being sent to cement plants for end disposal. Till now, 15864 MT of RDF has been sent to cement plants. The copy is submitted as **Annexure-2**
  - b) **Wet Waste:** Presently Municipal Council Manali generates approximately three tons (average) of wet waste. Municipal Council Manali has six composting pits at MSWM site, Rangri. **Challenges faced:** -Due to extreme cold weather conditions at Manali, it takes longer than usual to convert wet waste into compost. To overcome this problem, Municipal council is purchasing Organic Waste Converter for processing of wet waste. A letter has been sent to Election Commission of India for permission to float tender. The copy is submitted as **Annexure-3.**
  - c) **Mixed Waste:** Municipal Council Manali is receiving MSW from entire district of Kullu, i.e., Tourism development Council, Municipal Council Kullu, Nagar Panchayat Bhunter and Rural areas of district panchayats. The Nextgen Chemicals has been instructed not to accept MIXED waste. The copy is submitted as **Annexure-4.**
3. **Inert/Rejects-** It is submitted that the Request has been sent to district administration for availability of land for scientific landfill site. The copy is submitted as **Annexure-5**
4. **Bad Odor-** The spray for arresting the bad odor has been used at site on daily basis.
5. **Retaining wall:** It is submitted that the Municipal Council Manali has awarded tender for the construction of retaining wall near Gau Sadan which was damaged during monsoon floods. Work for the construction of retaining wall has been started on dated 06.03.2024. Waste which was lying at the bank of River Beas due to stacking of fresh waste over legacy waste has been cleared up by Municipal Council Manali. The Copy is submitted as **Annexure-6.**

6. **Environmental Compensation:** It is submitted that as per the order and Direction of this Hon'ble Tribunal the Environmental Compensation of Rs. 5,00000/ (Rupees Five lakhs)- & 15,30,000/- (Rupees Fifteen lakhs thirty thousand) respectively has been paid by Municipal Council Manali. The copy is submitted as **Annexure-7**.
7. **Effluent Treatment Plant:** It is submitted that the Leachate collection pits were washed away by monsoonal flash floods in July 2023. Again, tender has been awarded for the construction of leachate pits on dated 21.02.2024. Work has been started on 06.03.2024. Work shall be completed within three months. After that leachate shall be lifted through sludge pump and ETP can be made operational after that. The copy is submitted as **Annexure-8**.

Thus, the present status report is submitted for your kind perusal.

Dated 26-03-2024  
Place Manali

Respondent Number 4

  
Executive Officer  
Municipal Council  
Manali (H.P.)  
Dist. Kullu (H.P.)

1/1

# Rekart

W: www.rekart.co.in | E: team@rekart.co.in | Missed Call: 80108 11211  
 Ref:- RIPL/MNL/LW/0103-24 Date:- 26-03-2024

To  
 Executive Officer,  
 Municipal Council Manali,  
 Manali ( H.P.)

**Subject :-** Information Sharing of work Progress with Disposal Details.

Dear Sir

On the subject Cited above it is informed you that the work of progress of Legacy waste 18331 MT processed against 40000 MT rest quantity of work order 21669 MT we will be process in 5-6 Month ( Time Period depend on the weather situation it will increase or decrease )

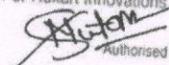
### Mined & Processed , Disposal Data

Quantity of Legacy Waste	Remediated Legacy Waste	All Values In Ton			
		Bio-Soil	RDF	C&D	Others(As like sole, and metals , paper etc.)
40000.000	18331.000	14884.772	1631.459	714.909	183.310

1. RDF Disposed in the cement Plant 476.665 MT
2. Bio-soil and C&D utilized in the low laying area
3. Rest Moisture Content Found on the material

Thanking You.

For Rekart Innovations Pvt. Ltd.

  
 Authorized Signatory

For, Rekart Innovations Pvt Ltd

Page 1 of 4

**REKART INNOVATIONS (P) Ltd.**

Corporate Office: 2007, Sector-45, Gurugram - 122003

Registered Office: 1K/72, NIT Faridabad, Haryana - 121001

PAN No.- AAHCR3634H | GST No.- 06AAHCR3634H1ZE | CIN No.- U93000HR2015PTC055846 | MSME No.- HR03D0016948

1 of 14

# NEXTGEN CHEMICALS

To

Date: 26/03/2024

The Executive Officer,  
Municipal Council,  
Manali, District-Kullu, HP

Subject: Dispatch of RDF to Cement Plants.

Dear Sir,

We are writing to inform you that as of today, Nextgen Chemicals has dispatched a total of **15.864 Metric Tonnes** of Refuse-Derived Fuel to cement plants. This update is provided for your records and further coordination.

Thank you for your attention to this matter.

Sincerely,



**Prem Kumar Sharma**

(Authorised Signatory)

Nextgen Chemicals

Annexure 2

संख्या:एम0सी0एम0/गारवेज/2024-4328-31  
कार्यालय नगरपालिका परिषद, मनाली, जिला कुल्लू हिमाचल प्रदेश ।  
सेवा में,

सहायक निर्वाचन अधिकारी,  
कम उप-मण्डल अधिकारी, ना0,  
मनाली जिला कुल्लू हिमाचल प्रदेश ।

दिनांक, मनाली 26 मार्च, 2024

विषय:- कूड़ा संयंत्र रोंगड़ी, मनाली में 2 टन क्षमता की आर्गेनिक वेस्ट मशीन तथा लिंगेसी वेस्ट के टैंडर लगवाने हेतु "विशेष स्वीकृति" देने बारे ।

महोदय/महोदया,

विषय उपरोक्त के सन्दर्भ में, आपके सूचनार्थ प्रस्तुत है कि नगर परिषद, मनाली के पास कूड़ा संयंत्र, रोंगड़ी मनाली में वेट वेस्ट के निष्पादन करने के लिए ऐसी कोई सुविधा उपलब्ध नहीं है, जिस कारण से पालिका को वेट-वेस्ट के निष्पादन करने में बहुत ही कठिनाई का सामना करना पड़ रहा है, जबकि कूड़ा रथल रोंगड़ी में प्रतिदिन बहुत ही अधिक मात्रा में वेट वेस्ट स्थानीय ग्राम पंचायतों, टी0डी0सी0एरिया व होटलों से प्राप्त हो रहा है, माननीय ग्रीन ट्रिब्यूनल के जारी आदेशों की अनुपालना अनुसार इतका निष्पादन भी किया जाना बहुत ही अनिवार्य है, तथा वेट वेस्ट के निष्पादन करने के लिए लगभग 2 टन क्षमता वाली आर्गेनिक वेस्ट मशीन की खरीद किए जाने के लिए टैंडर शिघ्र आमन्त्रित किए जाने आवश्यक है, ताकि वेट वेस्ट का निष्पादन किया जा सके । इसके अतिरिक्त (MA Case No.79/2023 OA No.758/2022 पलदन फुन्चोंग बनाम हिमाचल प्रदेश सरकार जिसमें लिंगेसी वेस्ट को निष्पादन शिघ्र अति शिघ्र किए जाने के आदेश पारित किए गए है, जबकि रिगार्ट एनोवेशन्ज कम्पनी को 40 हजार टन लिंगेसी वेस्ट निष्पादन का कार्य अबाई किया गया है, इसके अतिरिक्त किए गए सर्वे के अनुसार 55,865.5 हजार टन लिंगेसी वेस्ट का टैंडर किया जाना है।) जबकि इन दिनों संसदीय चुनाव की घोषणा के दृष्टिगत आदर्श आचार संहिता लागू होने से पालिका बिना चुनाव आयोग की स्वीकृति से टैंडर आमन्त्रित नहीं कर सकती है, इसके लिए चुनाव आयोग की विशेष स्वीकृति जो कि नियमानुसार आपके माध्यम से मांगी जानी अनिवार्य है। अतः आपसे अनुरोध है कि कार्य की आवश्यकता को देखते हुए कूड़ा संयंत्र रोंगड़ी, मनाली में 2 टन क्षमता की आर्गेनिक वेस्ट मशीन की खरीद किए जाने तथा अतिरिक्त लिंगेसी वेस्ट के निष्पादन करने के लिए पालिका द्वारा टैंडर आमन्त्रित किए जाने हेतु विशेष स्वीकृति शिघ्र प्रदान किए जाने की कृपा करें ।

भवदीय

कार्यकारी अधिकारी,

नगरपालिका परिषद, मनाली ।

पृष्ठांकन संख्या:तथैव/2024-

दिनांक, मनाली

मार्च, 2024

प्रतिलिपि:-

1. प्रधान सचिव, शहरी विकास, हिमाचल प्रदेश शिमला को सूचनार्थ तथा आवश्यक कार्रवाई हेतु प्रेषित है ।
2. निदेशक, शहरी विकास, पालिका भवन हिमाचल प्रदेश शिमला को सूचनार्थ तथा आवश्यक कार्रवाई हेतु प्रेषित है ।
3. जिला निर्वाचन अधिकारी कम उपायुक्त कुल्लू जिला कुल्लू को सूचनार्थ तथा आवश्यक कार्रवाई हेतु प्रेषित है ।

कार्यकारी अधिकारी,

नगरपालिका परिषद, मनाली ।

## OFFICE OF THE MUNICIPAL COUNCIL MANALI

To

M/S Nextgen Chemicals,  
Waste to Energy Plant,  
Rangari, PO manali, Tehsil Manali, Distt. Kullu, H.P.

No.MCM/SWM/2024- 3137 Dated:- 4/3/2024

Subject: Notice regarding accepting wet waste from unauthorised persons.

Sir,

It has come to the notice of the undersigned that Ms. Nextgen Chemicals is taking wet waste from unauthorised persons without the consent of Municipal Council Manali leading to the creation of enormous mounds of wet trash at the WTE Plant in Rangri.

Therefore, you are strongly directed not to accept the wet waste from unauthorised persons, failing which, your company will be solely responsible for creating legacy waste at WTE Plant Rangri and any further penalty imposed by HP State Pollution Control Board or Hon'ble NGT shall be borne by your company.

Executive Officer,  
Municipal Council Manali  
District Kullu, HP.

Annexure 4

No.MCM/Engg.cell/SWM/2024-

OFFICE OF THE MUNICIPAL COUNCIL MANALI  
DISTRICT KULLU HIMACHAL PRADESH

To

The Deputy Commissioner,  
Kullu, District Kullu, Himachal Pradesh.

Dated:- 19-01-2024

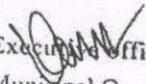
Subject: Request for Landfill Site Identification.

Respected sir,

I hope this letter finds you well. Our WTE plant in Manali efficiently processes waste into RDF. However, we face challenges in finding a space for inert material. We are trying to find the land but due to tourist area, the local opposition hinders our efforts. Kindly assist in identifying a suitable site, ensuring adherence to environmental regulations.

Thank you for your attention.

Yours's Faithfully,

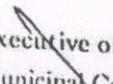
  
Executive Officer,  
Municipal Council Manali.

Endst. No:- MCM/Engg. cell/SWM/2024- 2608-09

Date:- 19/01/24

Copy Forward to:-

1. The Regional Officer, HP Pollution Control Board Kullu -175101, Himachal Pradesh for information Please.

  
Executive officer,  
Municipal Council Manali.

Annexure 5

HIMACHAL PRADESH  
MUNICIPAL COUNCIL MANALI

NO. MCM. Award letter/ 2023-24- 3023-3026

Dated: 21-02-2024

To

Sh. Bir Sen Negi Govt. Const  
House No. 322/2 Ward no. 3,  
P.O. & Tehsil Manali Distt. Kullu HP.

Subject: Raising to height of R/Wall towards river side at SWM site Rangari RD 0/118 to 0/142mtr. M.C. Manali Distt. Kullu ( H.P.) (SH-RR, R/Wall)

Your item tender, dated 06.02.2024 and further negotiation held in the office of Municipal Council Manali on dated 20.02.2024 for the subject cited work is hereby accepted by the undersigned on behalf of Municipal Council Manali HP for to Rs: -649440.00/-only i.e. 9.95 % above on the amount put to tender subject to the following terms and conditions: -

- The time allowed for completion of work is four Months which shall be reckoned from the 15th day after the date of issue of this award letter
- The work shall be carried out strictly as per PWD specification and all the terms and conditions of the contract agreement shall be operative and binding upon you.
- The absurd high rated items if any should not be got executed above the quantities taken in the DNIT and absurd lower rated items should be executed fully as per DNIT.
- The GST and income tax shall be borne by you and deducted from your bills as per instruction of the Govt
- The latest fare wages schedule as appended in the agreement shall be applicable to this tender.
- Worker's welfare Cess @ 1 % will also be deducted from each bill of the contractor.
- The royalty charges as per rates approved by the mining department shall be deducted from your bills for sand grit and stone and if necessary, clearance certificate is not produced from the concerned department.
- It is mandatory that the contractor shall engage/ acquire at least 30% of total labour from MMSAGY job card holders, registered by the MC, Manali.

You are, therefore requested to contact the Junior Engineer, Municipal Council, Manali for taking over the site laying and further necessary instructions with regard to commencement the work. You are also requested to attend this office for signing the formal agreement with in a week's time positively. Failing which no payment will be made till the agreement is signed by you.

On behalf of Municipal Council Manali HP.

Yours Faithfully,

Enclst No/As above/2024-3023-3026 dt. 21/02/2024

Executive Officer  
Municipal Council Manali  
Distt. Kullu (H.P.)

Copy forwarded for information and necessary action:

- The President / vice President Municipal Council Manali.
- Junior Engineer Municipal Council Manali.
- Work supervisor Municipal Council Manali.

AMJ      aw      o/c

Executive Officer  
Municipal Council Manali

Annexure 6

No: MCM/Account/2023- 4225-27  
 OFFICE OF THE MUNICIPAL COUNCIL, MANALI,  
 DISTRICT KULLU, HIMACHAL PRADESH

To

The Branch Manager,  
 ICICI Bank, Manali,

Date: 7/3/2024

Subject: Compliance of order dated 25-01-20024 passed by the Hon'ble NGT in MA No. 79/2023 in OA No. 758/2022 titled Palden Phunchog V/S State of Himachal Pradesh. ( Payment of Environmental Compensation).

Sir,

Please find enclosed herewith cheque No 000549 dated 05-03-2024 , amounting to Rupees 15,30,000/- (Rupees Fifteen lac Thirty thousand only )on account of payment of Environmental compensation. You are therefore, requested to kindly deposit amount through RTGs. In their respective bank account Number as mentioned below:

Sr. No.	Name	Name of Bank	IFSC code	Account Number	Amount
1	Member Secretary, HPSPCB	Bank of Baroda	BARBONCWSIM	54140100001617	15,30,000/-

DA- 1 Cheque

Yours faithfully,

Executive Officer,  
 Municipal Council, Manali.

No.MCM/Acctts- 4225-27 dated:- 7/3/2024

1. Copy forwarded to The Member Secretary, HP State Pollution Control Board Him Privesh, Phase-III, New Shimla H.P. w.r.t. office letter no. PCB(EB)/ OA No. 758/2022/ 5826-28 dated 21-02-2024 for information please.
2. The Regional Officer, HPSPCB HIMUDA Shopping complex, Hall no.5 Kullu 175101 w.r.t. his office letter no. PCB/RO Kullu/OA No. 758/2022 (2351)/2022- 408-09 dated 23-02-2024 for information please.

Executive Officer,  
 Municipal Council Manali.

Annexure 7

## MUNICIPAL COUNCIL MANALI

NO. MCM. Award letter/ 2023-24- 3031-3039

Dated: - 21-02-2024

To

Sh. Vijay Kumar Govt. Cont.  
House no. 135/2 Ward no 2,  
P.O. & Tehsil Manali Distt. Kullu HP.

Subject: - C/O Sedimentation tank at SWM site Rangri toward river site at Rangri.

Your item tender dated 06.02.2024 and further negotiation held in the office of Municipal Council Manali on dated 20.02.2024 for the subject cited work is hereby accepted by the undersigned on behalf of Municipal Council Manali HP for to Rs: -773778.00/- only i.e. 8.59 % below on the amount put to tender subject to the following terms and conditions: -

- The time allowed for completion of work is four Months which shall be reckoned from the 15th day after the date of issue of this award letter.
- The work shall be carried out strictly as per PWD specification and all the terms and conditions of the contract agreement shall be operative and binding upon you.
- The absurd high rated items if any should not be got executed above the quantities taken in the DNIT and absurd lower rated items should be executed fully as per DNIT.
- The GST and income tax shall be borne by you and deducted from your bills as per instruction of the Govt.
- The latest fare wages schedule as appended in the agreement shall be applicable to this tender.
- Worker's welfare Cess @ 1 % will also be deducted from each bill of the contractor.
- The royalty charges as per rates approved by the mining department shall be deducted from your bills for sand grit and stone etc. If necessary, clearance certificate is not provided by the concerned department.
- It is mandatory that the contractor shall engage/ acquire at least 30% of total labour from MMSAGY job card holders, registered by the MC. Manali.

You are, therefore requested to contact the junior Engineer, Municipal Council, Manali for taking over the site laying and further necessary instructions with regard to commencement the work. You are also requested to attend this office for signing the formal agreement with in a week's time positively failing which no payment will be made till the agreement is signed by you.

On behalf of Municipal Council Manali HP.

Yours Faithfully,

Executive Officer  
Municipal Council Manali  
Distt. Kullu (H.P.)

Date: 21-02-2024

Emdest No. As above/2024-3031-3039

Copy forwarded for information and necessary action:-

- The President / vice President Municipal Council Manali.
- Junior Engineer Municipal Council Manali.
- Work supervisor Municipal Council Manali.

Executive Officer  
Municipal Council Manali  
Distt. Kullu (H.P.)

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

M.A. No. 79/2023 in Original Application No. 758/2022

IN THE MATTER OF:

Paldan Phuchang

APPLICANT (s)

VERSUS

State of H.P. & Others

RESPONDENT (s)

**VAKALATNAMA**

ADVOCATE

**(Herein after called the advocate/s) to be my/our Advocate in the above-noted case authorize them;**

To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdraw, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents to admit and /or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

The appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the manner as my/our own acts, as if done by me/us to all intents and purpose.

And I/We the undertaker that I/We or my /our duly authorized agent would appear in court an all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever or ordered by the court shall be of the Advocate which he shall receive and retain for himself.

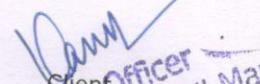
And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

**IN WITNESS WHERE OF** We do hereunto set my hand to these presents the contents of which have been understood by me/us on this 26<sup>th</sup> day of March 2024.

Accepted subject to the terms of the fees.

Advocate

Client

  
 Dawn  
 Executive Officer  
 Municipal Council Manali  
 Distt. Kullu (H.P.)