

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 168 OF 2019

IN THE MATTER OF:

Ramesh Chandra Kapri.

.....Applicant

Versus

State of Uttarakhand.... Respondent

STATUS REPORT BY WAY OF AFFIDAVIT ON
BEHALF OF STATE OF UTTARAKHAND IN
COMPLIANCE OF ORDER DATED 29.06.2020
PASSED BY THIS HON'BLE TRIBUNAL IN THE
ABOVEMENTIONED MATTER

P A P E R - B O O K

I N D E X

<u>SRL.</u>	<u>PARTICULARS</u>	<u>PAGES</u>
1.	Status Report by way of Affidavit on behalf of State of Uttarakhand in compliance of order dated 29.06.2020 passed by this Hon'ble Tribunal	1-12
2.	<u>ANNEXURE R-1</u> : A true copy of the order dated 29.06.2020 passed by this Hon'ble Tribunal.	13-15

Filed by:

Rahul Verma

[RAHUL VERMA]

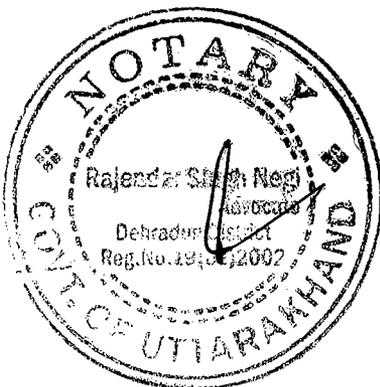
Additional Advocate General for State of Uttarakhand
/Respondent

137, Tower No.10, Supreme Enclave,
MayurVihar Phase-I,
Delhi-110091

Mobile No. 9717706032

Email- advrahulverma9999@gmail.com

mm



①

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

ORIGINAL APPLICATION NO. 168 OF 2019

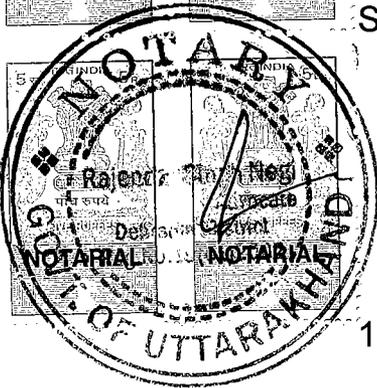
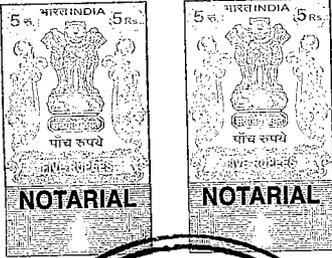
IN THE MATTER OF:

Ramesh Chandra Kapri.

.....Applicant

Versus

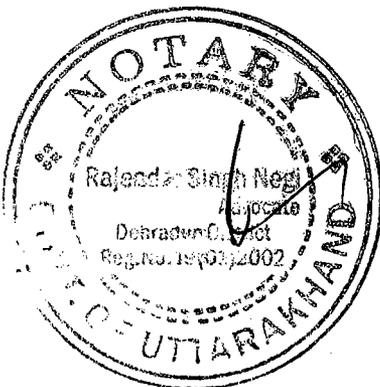
State of Uttarakhand.... Respondent



STATUS REPORT BY WAY OF AFFIDAVIT ON
BEHALF OF STATE OF UTTARAKHAND IN
COMPLIANCE OF ORDER DATED 29.06.2020
PASSED BY THIS HON'BLE TRIBUNAL IN THE
ABOVENTIONED MATTER

1. I, Vinod Kumar Suman S/o Shri Raj Narayan aged about 50 years, presently posted as Secretary (Incharge) ,Urban Development Department, Government of Uttarakhand, Secretariat, 4, Subhash Road, Dehradun, Uttarakhand, do hereby solemnly affirm on oath and state as under:
2. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent and duly authorized to file present Report by way of Affidavit on behalf of State of Uttarakhand.
3. That this Hon'ble Tribunal vide its order dated 15.04.2019 passed the following directions:-

"Allegation in this letter, which has been treated as an application, is that there is dumping of solid waste on



2

the forest land at Village Sirar, P.O. Nainipatal, Tehsil & District Pithoragarh, Uttarakhand resulting in pollution all around and affecting the health of the inhabitants.

Let the District Magistrate and the District Forest Officer, Pithoragarh look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at ngt.filing@gmail.com. The nodal agency will be the DFO, Pithoragarh for compliance and coordination.

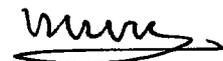
A copy of this order, along with complaint, be sent to the District Magistrate and the District Forest Officer, Pithoragarh, Uttarakhand by e-mail for compliance.

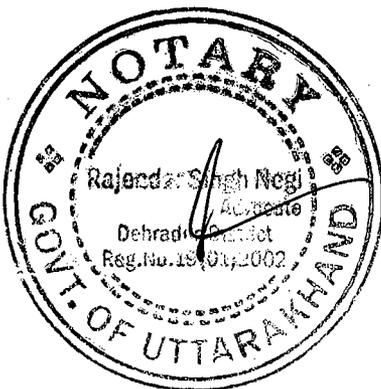
Needless to say that order of National Green Tribunal is binding as a decree of Court and non-compliance is actionable by way of punitive action including prosecution, in terms of the National Green Tribunal Act, 2010.

List for further consideration on 31.07.2019.”

4. That, thereafter, the matter came up for hearing before this Hon'ble Tribunal on 17.10.2019, this Hon'ble Court vide its order dated 17.10.2019 was pleased to pass the following directions:-

“Grievance in this application is against unscientific dumping of solid waste on forest land.





3

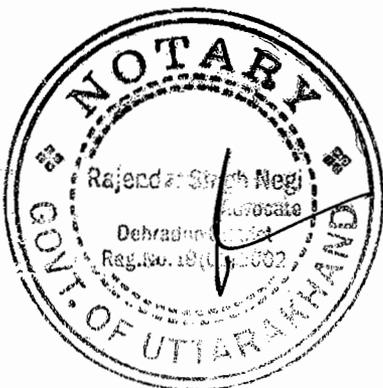
Vide order dated 15.04.2019, a factual and action taken report was sought from the District Magistrate and the District Forest Officer, Pithoragarh. The report filed on 12.09.2019 is to the effect that proposal for preparing DPR is pending with the Administration. It is further stated that bio-degradable garbage is being buried in the dump yard and non-degradable is being separated and sent to Encholi, 10 kms away from the dumping yard through a contractor. The report shows unsatisfactory state of affairs in violation of mandate of Solid Waste Management Rules, 2016.

Let the Secretary, Urban Development, Uttarakhand look into the matter and take remedial action and furnish a report within one month by email at judicial-nqt@gov.in.

A copy of this order be sent to the Secretary, Urban Development, Uttarakhand by email.

List for further consideration on 02.01.2020.”

5. That in compliance of the above mentioned directions passed by this Hon'ble Tribunal vide its order dated 17.10.2019, a Report by way of Affidavit was filed before this Hon'ble Tribunal, thereafter, the matter was listed on 29.06.2020, after hearing the Hon'ble Tribunal was pleased to pass the following directions:-



[Handwritten signature]

4

“

3. Though it is stated that the waste management plant will be functional 31.03.2021, nothing is mentioned about the allegation of dumping of garbage in forest. It has to be ensured that the dumping of garbage does not take place in forest land as alleged.

4. Let further action be taken and progress report as on 31.10.2020 be filed by 15.11.2020 at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

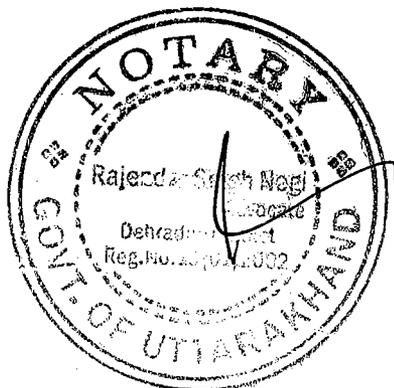
A copy of this order be sent to the Secretary, Urban Department, Uttarakhand by email.

List for further consideration on 26.11.2020.”

A true copy of the order dated 29.06.2020 is annexed hereto and marked as ANNEXURE A-1.

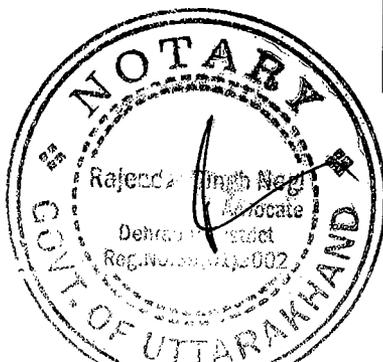
6. That in compliance of the abovementioned directions passed by this Hon'ble Tribunal vide its order dated 29.06.2020, the present subject-wise Compliance/ Status Report of Solid Waste Management of Nagar Palika Parishad, Pithoragarh is stated below herein:-





5

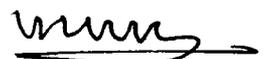
Sr. No.	Related to Detailed Project Report / DPR of SWM, Pithoragarh	Status
1	As per SWM Rules 2016, DPR Costing Rs. 636.99 Lakh prepared and approved by State Government and Central Government	<ol style="list-style-type: none">1. Central Government's Share of 35% of Rs. 222.95 Lakh approved and Rs. 111.47 lakh released to State Government by Government of India vide letter no. 1/18/2015-SBM, dated 19.9.2019.2. Request sent to State Government from Urban Development Directorate vide letter no. 3050/ 4/ 2015-16 (Vol-II), Dt: 18.10.2019.3. As per directions of Finance Department, Govt of Uttarakhand, the DPR is revised as per Delhi Schedule of Rate (for short DSR Rates")

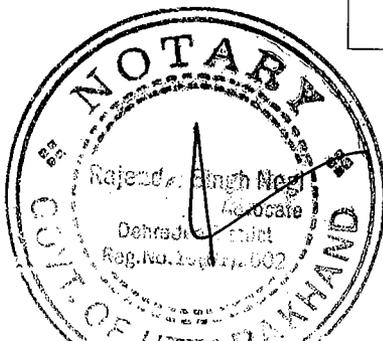


[Handwritten signature]

6

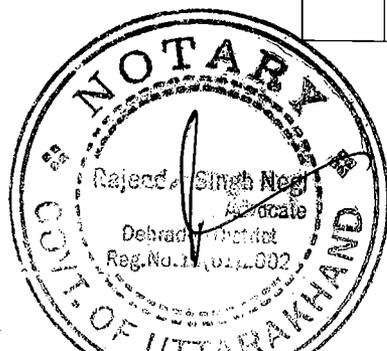
		<p>of 2018 and the same has been sent to Govt of Uttarakhand on Dt: 22-12-2020 for release of funds.</p> <p>4. Soon funds shall be released from State Government and accordingly tender process shall be initiated by the Nagar Palika Parishad, Pithoragarh.</p>
2.	Activities related to Plastic Ban and implementation of "Uttarakhand Anti Littering and Anti Spitting Act 2017"	<p>1. Total 185 Challan and fine of Rs. 2.29 Lacs recovered for "Plastic Ban" violators.</p> <p>2. 232 Challan and Rs. 1.19 Lacs recovered as fine from violators, as per the provisions of "Uttarakhand Anti</p>





(7)

		Littering and Anti Spitting Act 2017".
3	Present Status of Solid Waste Management in Pithoragarh	<ol style="list-style-type: none">1. Total Population of Pithoragarh is 65502 as per 2011 Census, 12.19 sq. km is the Urban Area and there are 20 Wards and total waste generation is 28 MTPD (Metric Ton Per Day) and 6 MTPD is being processed using OWC (Organic Waste Converter Machine), Plastic Compactor, and by 12 decentralized Organic Pits.2. There are total 14954 households and 1763 Commercial /Shops / Institution, total 16717, and 100 % door to door collection is

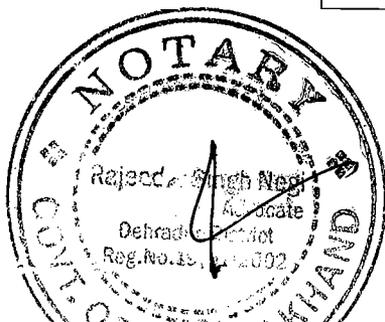


Wuuu

8

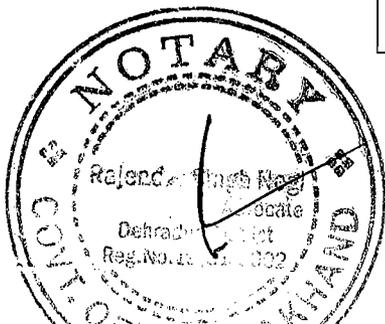
		<p>being done in 16717 households and shops. Around 50% source segregation is also being done.</p> <p>3. 0.75 Hec land has been arranged in Nainipatal by Nagar Palika Parishad, Pithoragarh for SWM treatment and disposal purpose and the revenue land has been transferred to NPP Pithoragarh for SWM treatment and disposal purpose.</p> <p>4. At present ULB is disposing MSW using 3 No Auto Tipper, 02 Pickup Van, 01 Tipper Truck with the help of 200 Sanitation Staff.</p>
--	--	--

Www



9

		<p>5. Plastic is being Segregated from MSW and is being Compacted using Plastic Compactor, about 13 Ton of Compacted Plastic has been disposed.</p> <p>6. Segregated Vegetable/ fruits waste/ Organic Waste is being disposed using OWC (Organic Waste Converter) of capacity 1 Ton per day and rest is being disposed on the disposal side. Compost prepared using above machine is being utilized by Nagar Palika Parishad Pithoragarh in their own parks and ground.</p>
--	--	---

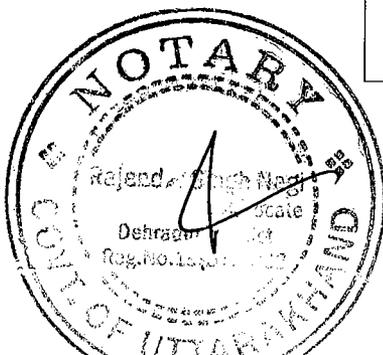


[Handwritten signature]

10

		<p>7. Implementation is proposed within 9 months after release of funds, as per the above approved DPR by outsourcing different technical activities.</p> <p>8. 3 separate vehicles are engaged for IEC activities related to SWM for "Source segregation and Door to Door collection"</p> <p>9. Regular directions/orders are being issued from Urban Development Directorate, Uttarakhand to all the ULBs (including Nagar Palika Parishad, Pithoragarh) for</p>
--	--	--

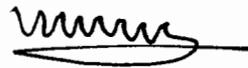
Handwritten signature



11

		implementation of SWM Rules 2016, Rule 22 as per the directions passed by Hon'ble National Green Tribunal passed in OA No. 606/ 2018.
--	--	---

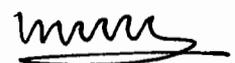
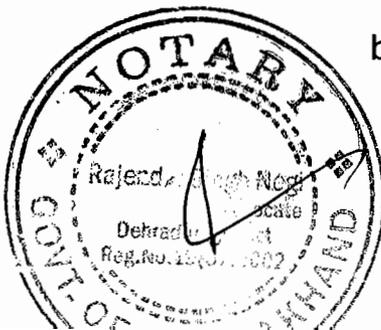
7. That the present Status Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed on behalf of State of Uttarakhand for kind perusal of this Hon'ble Tribunal.



DEPONENT

VERIFICATION

I, the deponent above named do hereby verify and say that the contents of my above report by way of affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.



12

Verified by me at Dehradun, Uttarakhand on this 26th day
of February, 2021.

[Handwritten signature]

DEPONENT

Filed through:

[Handwritten signature: Rahul-Verma]

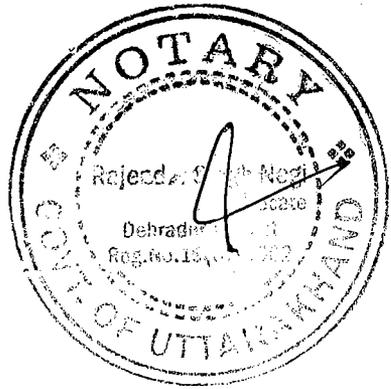
[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondent

137, Tower No.10, Supreme Enclave,
MayurVihar Phase-I,
Delhi-110091

Mobile No. 9717706032

Email- advrahulverma9999@gmail.com



669/21

This affidavit is sworn before me by
Shri. Vinod Kumar Symam

who is identified by Shri

at Dehradun on

[Handwritten signature]
27/2/21

(Rajender Singh Negi)
Advocate & Notary, Dehradun

[Handwritten signature]

13
ANN-R-1

Item No. 05

Court No. 1

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

(By Video Conferencing)

Original Application No. 168/2019

(With report dated 02.03.2020)

Ramesh Chandra Kapri

Applicant(s)

Versus

State of Uttarakhand

Respondent(s)

Date of hearing: 29.06.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

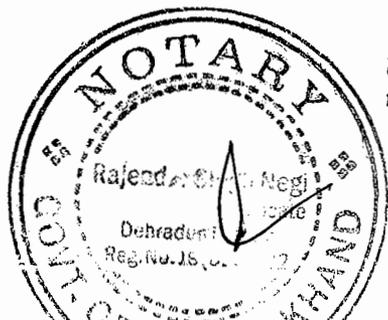
Respondent(s): Mr. Rahul Verma, AAG for State of Uttarakhand

ORDER

1. This order is in continuation of order dated 17.10.2019 as under:

"Vide order dated 15.04.2019, a factual and action taken report was sought from the District Magistrate and the District Forest Officer, Pithoragarh. The report filed on 12.09.2019 is to the effect that proposal for preparing DPR is pending with the Administration. It is further stated that bio-degradable garbage is being buried in the dump yard and non-degradable is being separated and sent to Encholi, 10 kms away from the dumping yard through a contractor. The report shows unsatisfactory state of affairs in violation of mandate of Solid Waste Management Rules, 2016.

Let the Secretary, Urban Development, Uttarakhand look into the matter and take remedial action and furnish a report within one month by email at judicial-ngt@gov.in."



mm

14

2. Accordingly, a further report has been filed by the Secretary, Urban Department, State of Uttarakhand *inter alia* stating as follows:

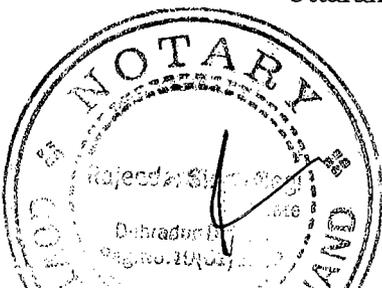
"5. That in compliance of Solid Waste Management Rules, 2016, DPR costing Rs.636.99 Lakh was prepared and approved by State Government and Central Government and the status of the same is as follows:-

- I. That (35% share of Rs.222.95 Lakhs) by Central Government was approved and Rs.111.47 Lakh is released to State Government by Government of India vide letter No.1/18/2015-SBM, dated 19.9.2019.
- II. That the request had already been sent by the Directorate of Urban Development to the State Government vide letter No.3050/4/2015-16 (Vol-H) dated 18.10.2019.
- III. That funds shall be released soon from State Government and accordingly tender process shall be initiated by the Nagar Palika Parishad, Pithoragarh.
- IV. **That as soon as tenders process is completed regarding the work of Solid Waste Management Plant, Pithoragarh, and will be functional and operational prepared till 31-03-2021."**

3. Though it is stated that the waste management plant will be functional 31.03.2021, nothing is mentioned about the allegation of dumping of garbage in forest. It has to be ensured that the dumping of garbage does not take place in forest land as alleged.

4. Let further action be taken and progress report as on 31.10.2020 be filed by 15.11.2020 at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

A copy of this order be sent to the Secretary, Urban Department, Uttarakhand by email.



mm

15

List for further consideration on 26.11.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

June 29, 2020
Original Application No. 168/2019
AK



TRUE COPY

This affidavit is sworn before me by
Shri Vinod Kumar Suman
who is identified by Shri
at Dehradun on 27/2/20

(Rajender Singh Negi)
Advocate & Notary, Dehradun

