

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 144 OF 2019

IN THE MATTER OF:

Arvind Baniyal.

.....Applicant

Versus

State of Uttarakhand.

... Respondent

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

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Filed by:

*Rahul-Verma*

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand /  
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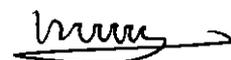
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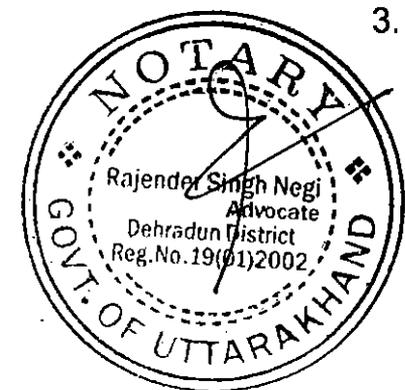
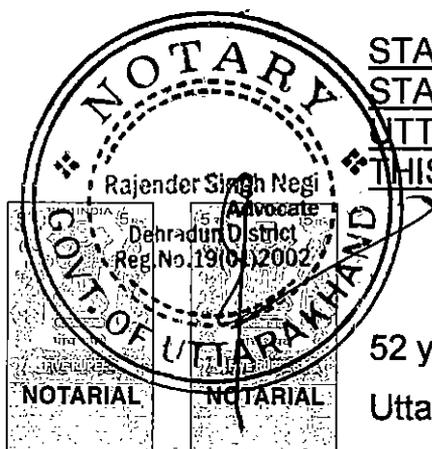
... Respondent

STATUS REPORT BY WAY OF AFFIDAVIT BY SECRETARY,  
STATE OF UTTARAKHAND, ON BEHALF OF STATE OF  
UTTARAKHAND IN COMPLIANCE OF DIRECTIONS PASSED BY  
THIS HON'BLE TRIBUNAL IN THE ABOVEMENTIONED MATTER

I, VINOD KUMAR SUMAN S/o Shri RAJ NARAYAN aged about 52 years, presently posted as Secretary, Department of Urban, Govt. of Uttarakhand, Dehradun, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file present Report by way of Affidavit on behalf of State of Uttarakhand.
2. That the abovementioned matter had been filed by the applicant regarding the environment issue in Kotdwar, District Pauri Garhwal, Uttarakhand. This Hon'ble Tribunal vide its order dated 9.3.2021 was pleased to pass various directions to Respondent-State of Uttarakhand.
3. That in compliance of abovementioned order dated 9.3.2021, a report by way of Affidavit on behalf of State of Uttarakhand was

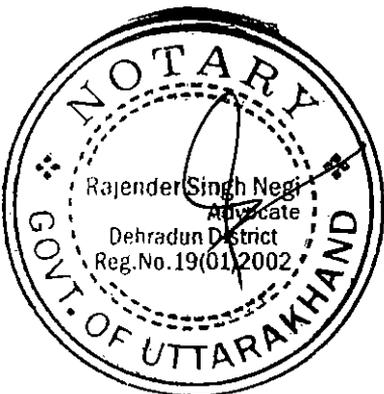




submitted in this Hon'ble Tribunal, and thereafter, the matter was listed on 16.04.2021. This Hon'ble Tribunal vide its order dated 16.4.2021 was pleased to pass various directions to Respondent-State of Uttarakhand.

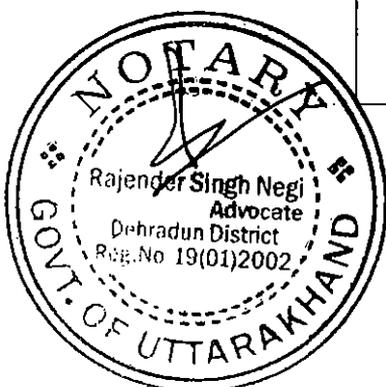
4. That in compliance of abovementioned directions passed by this Hon'ble Tribunal vide dated 16.4.2021, the State of Uttarakhand submitted Status Report by way of Affidavit on 4<sup>th</sup> August, 2021 and the same was uploaded on the website of this Hon'ble Tribunal on 4<sup>th</sup> August, 2021. After the 4<sup>th</sup> August, 2021 and till 4<sup>th</sup> October, 2021, the State of Uttarakhand took following further steps in the matter and the same are follows:-

Sri.	Subject	Compliance/ Status Report, Nagar Nigam, Kotdwar (Pauri)
1.	<b>Legacy Waste:</b> The issue for consideration is the remedial action against waste disposal dump yards illegally set up on the bank of River Khoh at Village Ratanpur, Kashirampur, Gadighat and near Sports Stadium,	<ul style="list-style-type: none"> <li>• DPR prepared and approved by State Government.</li> <li>• Financial arrangement of Rs. 1.00 Cr approx. has been made.</li> <li>• RFP/ Tender issued and work order issued.</li> <li>• For Bio Remediation machines, have arrived at site and installation will be completed within 2 days i.e. upto 8-10-02021 and work will be completed within 2 months positively.</li> </ul>



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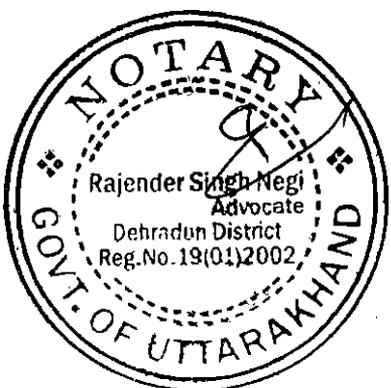
	<p>Kotdwar in Uttarakhand where garbage was being burnt and river water was polluted.</p>	<p><b><u>Detailed Progress for Removal of Legacy Waste in Kotdwar:</u></b></p> <p>1- That the total quantity of legacy waste is 20533.57 Cu.m, till date total 4500.cu.m (21.91%) has been processed &amp; removed but due to small capacity and heavy rain the progress was slow.</p> <p>2- As per the direction of Hon'ble NGT and considering the Environmental Issue, immediately One Trommel and Bio Remediation machine installed at the legacy waste site with total capacity of 90 MTPD(MTPD- Metric Ton Per Day).</p> <p>3-That Refuse Derived Fuel (for short "RDF") separated from the legacy waste is being sent to East Delhi Waste Processing Company Ltd, Delhi.</p> <p>4-That the Nagar Nigam, Kotdwar and Urban Development Department, Uttarakhand is exploring all the available options to "Bio Remediate" the Legacy Waste at Kotdwar at the earliest.</p> <p>5-That in reply of DO Letter No. 15/16/2020-SBM-I, Dt 8-2-2021 of Addl</p>
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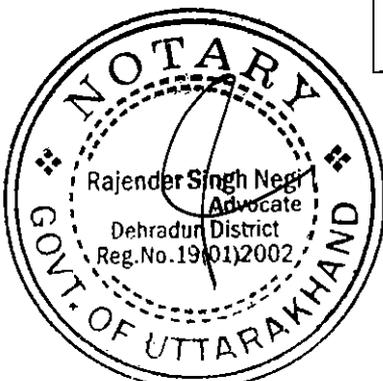
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		<p>Mission Director, SBM(Urban), Ministry of Housing &amp; Urban Development, Government of India, a detailed proposal for Bio Remediation of Legacy Waste of 7 towns including Kotdwar, Letter No. 4221/ 743/ SBM/ SWM/ Lee We/ 2019-20, Dt 23-2-2021, total costing Rs. 126.53 Cr including Rs. 1.46 Cr. of Nagar Nigam, Kotdwar, has been submitted.</p> <p>6-That DPR has been approved by Government of India &amp; only 0.38% of total cost has been allotted to Government of Uttarakhand on 15-06-2021.</p> <p>7-That considering the importance of the issue of Legacy Waste "Treatment and Disposal", permission from State Government has been granted vide GO No. 926/ IV(3)/2021-12(15SWM)/ 20 T.C., Dt: 15-6-2021, and accordingly directions have been issued to Nagar Nigam, Kotdwar vide Latter No. 747/ 765/ SBM/ NGT/ 884of 2019/ 2019-2020, Dt: 12-7-2021.</p>
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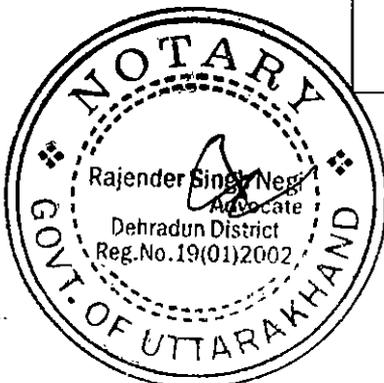
		<p>8-That in compliance of above RFP/ Tender was floated on 30-6-2021 and "Technical and Financial Bid" opened on 17-7-2021. Letter of Award issued on 19-7-2021 to the successful bidder. Completion of "Treatment and Disposal of Legacy Waste" is targeted and expected within 6 months.</p> <p>9. That the work order has been issued on dt.27.07.2021 to successful bidder i.e., M/S ECO STAN INFRA PVT. LTD &amp; accordingly agreement has been done between Nagar Nigam, Kotdwar &amp; M/S ECO STAN INFRA PVT LTD.</p> <p>10- That currently Trommel Machine is being installed on site &amp; work will be initiated by 10.10.2021 as full set of machines have arrived on the site. As per agreement remediation of waste will be completed in 04 Months.</p> <p>11- That every effort is being done to complete the work of Bio Remediation within next two months. The photographs of steps taken of installed machines is annexed hereto and marked as <u>ANNEXURE-1</u>.</p>
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A handwritten signature in black ink, appearing to be 'M. N. N.', located at the bottom right of the page.

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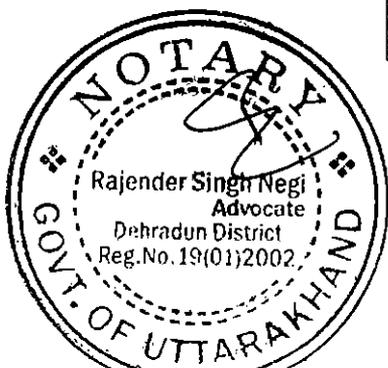
		<p><b><u>To Stop Burning of Old Waste:</u></b></p> <p>1- A separate water pressure pipe line of 1 inch and two water tanks of 5000 liters each has been installed to void burning of waste. As per Letter Dt 1-4-2021 of Nagar Nigam, Kotdwar.</p>
2.	Status/ compliance of Solid Waste Management Rules 2016	<p><b><u>Compliance of Solid Waste Management Rules 2016:</u></b></p> <p>1- In Kotdwar out of 40 wards, door to door collection is being done in all 40 wards. <b>(Compliance 100%)</b></p> <p>2- In all 40 wards source segregation has been started. <b>(Compliance 100%)</b></p> <p>3-Organic waste is being processed and converted into <b>Compost using 20 Nadep Pits</b> and Plastic Waste and other recyclables are being compressed using <b>"Plastic Compactor"</b> and by selling recyclables Rs. 0.79 Lacs revenue is generated.</p> <p>4- For ensuring proper movement of SWM related vehicles/ tracking the vehicles, <b>recently 17 GPS have been installed on vehicles.</b></p>



*[Handwritten signature]*

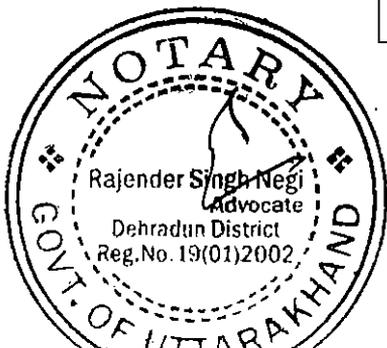
		<p>5- Total 21 vehicles are being deployed by Nagar Nigam, Kotdwar for ensuring 100% Door to door collection/ transportation and segregation at source.</p> <p>6- <b>Identification and procurement of Processing and Disposal site. (Compliance 100%)</b> That in Kanchan Puri Haldukhata, forest land of area 0.998 Hc, in principle approval by Forest Dept, Government of India has been granted vide letter No. 8B/ UCP/ 09/ 160/ 2020/ FC/ 2576, Dt 31-3-2021.</p> <p>7- That for final transfer of above land , CS, Government of Uttarakhand vide letter dated 1315/Ni0S0-Mu-S0/2021-O.A 144/2019 has been issued to Additional Chief Secretary, Forest &amp; Environment.</p> <p>8- Approval to pay Rs. 81.20 Lakhs from ULB fund to Forest department for transfer of land in non-commercial use has been issued by Government of Uttarakhand to Nagar Nigam Kotdwar vide letter No. 970/IV(3)/2021-</p>
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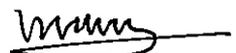
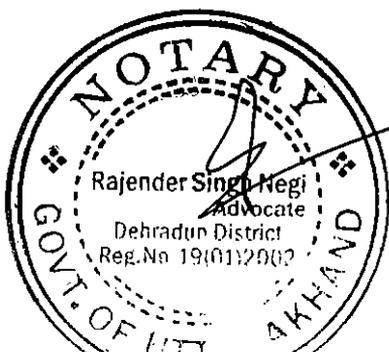
		<p>12(15SWM)/20 TCI. Dt.15.09.2021. A photocopy of the said letter is annexed hereto and marked as <u>ANNEXURE-2</u>.</p> <p>9- That the Construction &amp; Demolition Waste is being collected &amp; transported in separate vehicles.</p> <p><b><u>Status of Integrated SWM DPR approval and disbursement of funds:</u></b></p> <p>1- DPR of Rs. 13.69 Cr prepared and approved by State Government on 29-10-2020.</p> <p>2- That the above DPR was sent to Govt of India on 23-11-2020 for approval and financial assistance of Rs. 4.72 Cr as Central Share.</p> <p>3- Rs.4.72Cr. (34.48% VGF) has been allotted by Government of India on 15-06-2021 for the SWM proposed plant at NN Kotdwar. State Government is in process of disbursement of funds for execution of SWM project.</p> <p>4- That forest land has been in principal approved on 31-3-2021, therefore now as per the statutory provision, for “<b>Environmental Clearance</b>” of the project, tendering process has been</p>
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		<p>completed on 14-07-2021. Work order has been issued on dt. 27.07.2021 for Environment Impact Assessment process and accordingly implementation of "Processing and Disposal Plant" shall be initiated after approval of EIA, EC &amp; CTE.</p> <p>1. 5- It will take about further 9 months to complete the installation of all machines and selection of operator for starting of planned operation of plant.</p>
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5. That it is respectfully submitted that the present Status Report may be treated as part of the Status Report submitted on 4<sup>th</sup> August, 2021 which was uploaded on the website of this Hon'ble Tribunal on 4<sup>th</sup> August, 2021, as the abovementioned Status Report dated 4<sup>th</sup> August, 2021 was submitted with regard to the steps taken by the State of Uttarakhand till 4<sup>th</sup> August, 2021 and the present Status Report is submitted with regard to steps taken after 4<sup>th</sup> August, 2021 and till 4<sup>th</sup> October, 2021, and are related to same issue
6. It is further submitted that that present Status Report may also be treated as the same with regard to present matter i.e. O.A. No.144 of

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2019 –Arvind Baniyal –Vs- State of Uttarakhand as well as E.A. No.22 of 2020 in O.A. No.884 of 2019-Manoj Negi Vs. State of Uttarakhand) as both the matters are related to Kotdwar, Uttarakhand.

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.
8. In view of the facts and circumstances as explained hereinabove sincere efforts are taken by the State of Uttarakhand in compliance of the directions passed by this Hon'ble Tribunal, the same may kindly be accepted by this Hon'ble Tribunal and the deponent hereby undertakes to comply with every direction passed by this Hon'ble Tribunal.

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DEPONENT

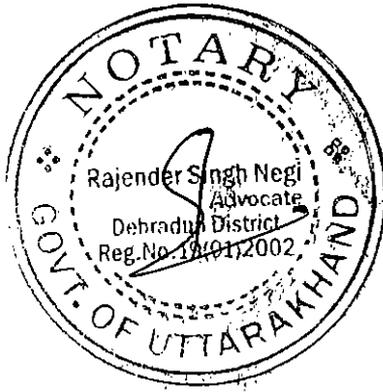
**VERIFICATION**

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.

Verified by me at Dehradun, Uttarakhand on this 4th day of October, 2021.

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DEPONENT

Filed through:

Rahul Verma

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand  
/Respondent

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

Mobile No. 9717706032

Email- [advrahulverma9999@gmail.com](mailto:advrahulverma9999@gmail.com)

This affidavit is sworn before me by  
Shri. Nishad Kumar Suman  
who is identified by Shri .....  
at Dehradun on 27/10/2021

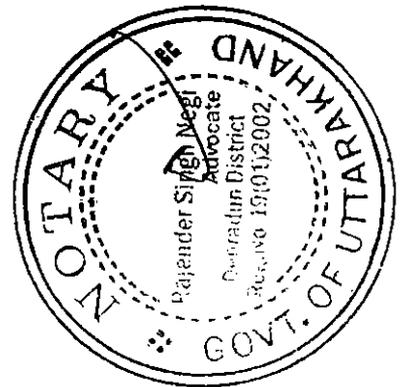
(Rajender Singh Negi)  
Advocate & Notary, Dehradun

27/10/2021

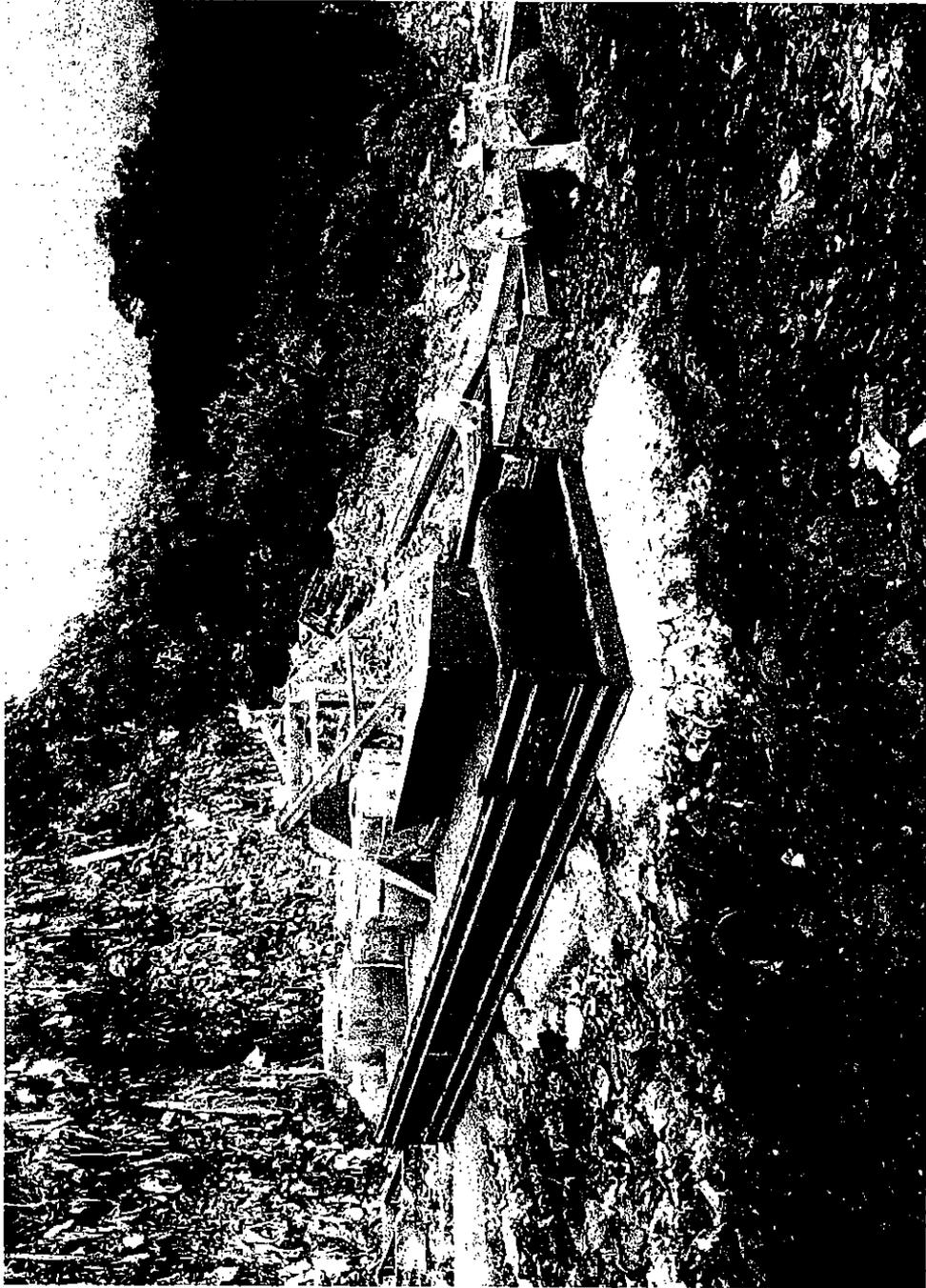
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ANNEXURE



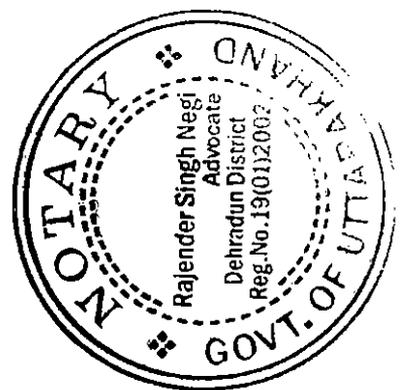
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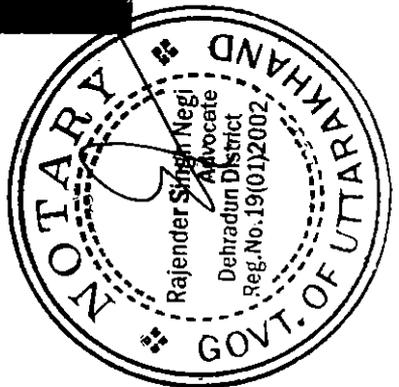
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प्रेषक,

विनोद कुमार सुमन,  
सचिव (प्रभारी),  
उत्तराखण्ड शासन।

सेवा में,

निदेशक,  
शहरी विकास निदेशालय,  
उत्तराखण्ड देहरादून।

शहरी विकास अनुभाग-3

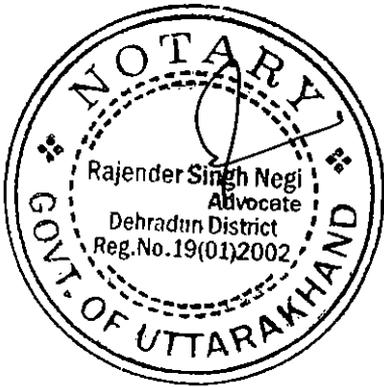
देहरादून: दिनांक 15 सितम्बर, 2021

विषय-जनपद पौड़ी गढ़वाल में मा0 मुख्यमंत्री घोषणा सं0-556/2015, कोटद्वार नगर क्षेत्र में कूड़ा निस्तारण हेतु 0.998 है0 वन भूमि को गैर वानिकी कार्यों हेतु नगर पालिका परिषद, कोटद्वार में प्रत्यावर्तन किये जाने के संबंध में।

महोदय,

कृपया उपरोक्त विषयक अपने पत्र संख्या-421/748/SBM/SWM/NGT/2019-20, दिनांक 09 जून, 2021 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से कोटद्वार नगर क्षेत्र में कूड़ा निस्तारण हेतु 0.998 है0 वन भूमि को गैर वानिकी कार्यों हेतु नगर निगम, कोटद्वार में प्रत्यावर्तन किये जाने हेतु नगर निगम, कोटद्वार द्वारा कुल रू0 81,20,348.00 (रू0 इक्कासी लाख बीस हजार तीन सौ अड़तालीस मात्र) की धनराशि का भुगतान वन विभाग को किये जाने हेतु अनुमति प्रदान किये जाने का अनुरोध किया गया है।

2- इस संबंध में सम्यक विचारोपरान्त मुझे यह कहने का निदेश हुआ है कि 15वें वित्त आयोग की संस्तुतियों के क्रम में ठोस अपशिष्ट प्रबन्धन कार्यों हेतु निर्धारित धनराशि में से जनपद पौड़ी गढ़वाल में मा0 मुख्यमंत्री घोषणा सं0-556/2015, कोटद्वार नगर क्षेत्र में कूड़ा निस्तारण हेतु 0.998 है0 वन भूमि को गैर वानिकी कार्यों हेतु नगर पालिका परिषद, कोटद्वार में प्रत्यावर्तन किये जाने हेतु कुल रू0 81,20,348.00/- (रू0 इक्कासी लाख बीस हजार तीन सौ अड़तालीस मात्र) का भुगतान वन विभाग को किये जाने की अनुमति इस शर्त के साथ प्रदान की जा रही है कि 15वें वित्त की धनराशि के उपयोग के सम्बन्ध में भारत सरकार द्वारा निर्गत दिशा-निर्देशों का अनुपालन सुनिश्चित किया जाय।



भवदीय,

*Vms*  
(विनोद कुमार सुमन)  
सचिव (प्रभारी)।

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*Vms*

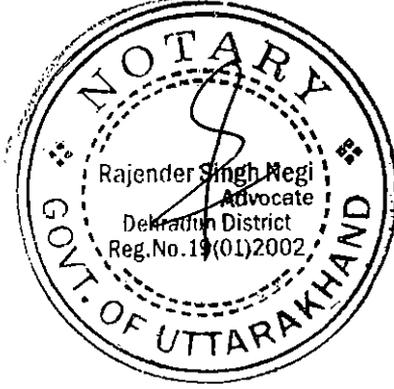
संख्या— (1) /IV-3/2021-12 (15 SWM) 20 T.C.-1, तददिनांक।

प्रतिलिपि:— निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. अपर सचिव, वित्त विभाग (वि0आ0निदे0), उत्तराखण्ड शासन।
2. नगर आयुक्त, नगर निगम, कोटद्वार (कण्वनगरी), उत्तराखण्ड।
3. गार्ड फाईल।

आज्ञा से,

(अनिल जोशी)  
उप सचिव।



This affidavit is sworn before me by  
Shri. V. N. D. Lakshman Singh  
who is identified by Shri .....  
at Dehradun on 27/10/2021

(Rajender Singh Negi)  
Advocate & Notary, Dehradun

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