

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 136/2015

&

ORIGINAL APPLICATION NO. 06/2017

IN THE MATTER OF:-

NAGAR PALIKA PARISHAD, VRINDAVAN & ORS.

APPLICANT(S)

VS.

MADHUMANGAL SHUKLA & ORS.

RESPONDENT(S)

INDEX

S. No.	PARTICULARS	PAGE No.
1.	STATUS REPORT IN THE MATTER OF O.A NO. 136/2015 & O.A NO. 06/2017 NAGAR PALIKA PARISHAD, VARINDAVAN & ORS. VS. MADHUMANGAL SHUKLA & ORS. REGARDING FURNISHING OF PERFORMANCE GUARANTEE BY THE NAGAR PALIKA PARISHAD, VARINDAVAN.	
2.	ANNEXURE- I COPY OF HON'BLE NGT ORDER DATED 09.08.2019	



(PANKAJ AGRAWAL)
SCIENTIST -E

CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032

PLACE: DELHI

DATED: 11.02.2020

Central Pollution Control Board

Date: 07.02.2020

Status Report in the matter of O.A. No. 136/2015 and OA no. 06/2017; Nagar Palika Parishad, Vrindavan & Ors. Versus Madhumangal Shukla & Ors.

(Regarding furnishing performance guarantee by the Nagar Palika Parishad, Vrindavan)

Hon'ble National Green Tribunal, Principal Bench, New Delhi, vide order dated August 09, 2019 in the matter of OA no. 136/2015 and OA no. 06/2017; Nagar Palika Parishad, Vrindavan & Ors. Versus Madhumangal Shukla & Ors issued following Directions:

".....In view of the consistent failure of the Nagar Palika Parishad, Vrindavan and also the Secretary, Urban Development, it will be appropriate that the Chief Secretary, Uttar Pradesh look into the matter and ensure compliance. The Nagar Palika Parishad, Vrindavan may furnish a performance guarantee in the sum of Rs. 10 lakhs to the satisfaction of the CPCB undertaking to comply with the order of this Tribunal within three months, failing which, the amount will be forfeited and will be used for restoration of the environment. The amount deposited towards the cost be remitted to the CPCB for being utilised for restoration of the environment....."

Further, Hon'ble NGT vide order dated 18.12.2019 directed that the performance guarantee furnished by the Nagar Palika Parishad, Vrindavan will stand forfeited.

Present Status :

The Nagarpalika Parishad, Vrindavan has not submitted performance guarantee of Rs 10,00,000 (ten lakh Rupees only) as per Hon'ble NGT's Directions dated August 09, 2019 to CPCB so far.

Item No. 01

Court No. 1

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

Original Application No. 136/2015
&
Original Application No. No. 06/2017

Nagar Palika Parishad, Vrindavan & Ors. Applicant(s)

Versus

Madhumangal Shukla & Ors. Respondent(s)

(Report filed in O.A. No.136/2015)

Date of hearing: 09.08.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Rahul Chaudhary, Ms. Meera Gopal,
Advocates in O.A No. 136/2015

For Respondent (s): Mr. Pradeep Misra, Mr. Daleep Dhyani,
Advocates for UPPCB
Mr. S.K Bhattacharya, Advocate for Nagar Nigam
Parishd, Vrindavan

ORDER

1. Compliance of orders of this Tribunal dated 11.05.2016, 23.08.2016 and 03.07.2017 directing the Nagar Nigam, Vrindavan to take steps for enforcement of Municipal Solid Waste Management Rules, 2016 to deal with the problem of unregulated dumping of municipal solid waste on the flood plain area of the River Yamuna and clearing the legacy waste site which was an environmental hazard is the question for consideration.

2. By order dated 22.04.2019, the Tribunal constituted a joint Committee comprising the representatives of the Central Pollution Control Board (CPCB), State Pollution Control Board (State PCB) and Nagar Palika Parishad, Vrindavan to furnish a factual and action taken report in terms of compliance. The report filed on 06.08.2019 by the CPCB shows that no adequate progress has been made for segregation and storage of recyclable waste (plastic, glass etc). The MSW site has not been developed scientifically. No proper arrangement for leachate collection and treatment is provided. The size of the dumping ground was inadequate as 4 of the 5 pits were filled without scientific bioremediation. No work has been initiated to develop a site at Mant Road. No departmental action has been taken against the erring officers and staff.
3. Learned counsel for the Nagar Palika Parishad submitted that four pits have been filled and are to be capped. Doing so will not be consistent with the mandate of law which requires bio-mining to avoid leachate. The matter has also been dealt with by this Tribunal vide order dated 17.07.2019 in O.A No. 519/2019, News item published in "The Times of India" Authored by Jasjeev Gandhiok & Paras Singh Titled "Below mountains of trash lie poison lakes". The action needs to be taken in terms of the said order.
4. There is no explanation why the Secretary, Urban Development has not complied with the order with regard to taking action against the erring officers.

5. In view of the consistent failure of the Nagar Palika Parishad, Vrindavan and also the Secretary, Urban Development, it will be appropriate that the Chief Secretary, Uttar Pradesh looks into the matter and ensures compliance. The Nagar Palika Parishad, Vrindavan may furnish a performance guarantee in the sum of Rs. 10 lakhs to the satisfaction of the CPCB undertaking to comply with the order of this Tribunal within three months failing which the amount will be forfeited and used for restoration of the environment. The amount deposited with this Tribunal towards the cost be remitted to the CPCB for being utilised for restoration of the environment.
6. The Chief Secretary, Uttar Pradesh may furnish a report by 30.11.2019 by email at judicial-ngt@gov.in.
7. A copy of this order be sent to the Chief Secretary, Uttar Pradesh by email.

List for further consideration on 18.12.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 09, 2019
Original Application No. 136/2015
& Original Application No. No. 06/2017
AK