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

OA No.810 of 2024

IN THE MATTER OF:

Ashish ... Applicant

Versus

State of Haryana ... Respondent

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Dated:05.12.2024

Place: Panipat


Regional Officer, HSPCB
Panipat Region

Through



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

OA No.810 of 2024

IN THE MATTER OF:

Ashish ... Applicant

Versus

State of Haryana ... Respondent

Status Report by Regional Officer, Panipat on behalf of respondent No.1 & 3 in compliance of the order dated 14.10.2024 passed by this Hon'ble Tribunal.

1. That the above said matter was listed before this Hon'ble Tribunal on 14.10.2024 and pleased to pass an order to implead the respondents as under:-

- A. *State of Haryana, through Principal Secretary, Environment and Forest, Directorate of Environment & Climate Change, Haryana, Bay No. 55-58, 2nd Floor, Paryatan Bhawan, Sector-2, Panchkula-134109.*
- B. *District Magistrate, Panipat, 1st Floor, Mini Secretariat, Panipat - 132103.*
- C. *Haryana State Pollution Control Board, through its Member Secretary, C-11, Sector-6, Panchkula, Haryana - 134109, Haryana.*
- D. *Nagar Nigam, Panipat through its Municipal Commissioner, Tau Devi Lal Complex Railway Road and Palika Bazar office, Panipat*
- E. *M/s JBM Environment Management Private Limited, 601, Hemkunt Chambers 89, Nehru Place, New Delhi-110019.*
- F. *Office is directed to issue notices to above respondents. They may file reply within two weeks after receipt of notice.*
- G. *In course title also, we find that State of Rajasthan has wrongly been mentioned though it ought to be State of Haryana. The cause title shall stand corrected and respondent 1 shall be shown as ordered today by this order. Office shall prepare memo of parties accordingly and place on record.*
- H. *List on 22.11.2024."*

2. That It is necessary to mention here that the solid waste dumping site is located as mentioned by the applicant falls on the land of Village- Mehrana lying between the two canals carrying fresh water i.e. Delhi parallel branch and carrier link channel.

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3. That in compliance of the directions dated 27.08.2024 of this Hon'ble Tribunal, the Deputy Commissioner, Panipat vide order dated 27.09.2024 has constituted the joint committee comprising of Sh. Braham Parkash, HCS, Sub-Divisional Magistrate, Panipat and Bhupinder Singh, Regional Officer Haryana State Pollution Control Board, Panipat to inspect the above said site and accordingly the site was inspected on 07.10.2024 by the team. It is necessary to mention here that at the time of inspection, Sh. Ajit Tiwari, representative of the M/s JBM Environment Management Private Limited (herein after called as 'Concessioner') and Sh. Jitender Narwal, Chief Sanitary Inspector, Municipal Corporation, Panipat were present at site. Sh. Jitender Narwal, Chief Sanitary Inspector, Municipal Corporation, Panipat informed to the committee that the solid waste was being disposed of at site by M/s JBM Environment Management Private Limited. During the time of inspection the following deficiencies were observed:-
- i. The legacy waste with approx. quantity 360 MT has been found dispose on the site located at Village-Mehrana, Panipat.
 - ii. No segregation of solid waste was done by the company.
 - iii. No covered facility for storage of street sweeping was provided by the company.
 - iv. No boundary wall of the site was done by the company.
 - v. The waste is dumped in open land and solid waste is causing damage to the upper soil and leachate percolate through soil thus contaminating ground water.
 - vi. No fresh dumping of solid waste is being done at the site w.e.f. February, 2024.
4. That in view of the violations found during the time of inspection by the joint committee, a Show Cause Notice (SCN) for imposition of EC was issued to the unit by Regional Officer vide letter No. 1401 dated 10.10.2024 to the concessioner, but no reply received to the above said Show Cause Notice (SCN). Copy of show cause notice dated 10.10.2024 is attached as **Annexure-R/1**.

5. Thereafter, Regional Officer **18** recommended vide letter No. HSPCB/PR/2024/1747 dated 06.11.2024 for imposition of Environmental Compensation of Rs.11.22 lacs against the unit M/s JBM Environment Management Private Limited for improper handling of Solid Waste. Copy of recommendation dated 06.11.2024 is attached as **Annexure-R/2**.
6. It is necessary to mention here that the solid waste dumped at above said site still has not been disposed of by the Municipal Corporation, Panipat and therefore a show cause notice has been issued vide letter No.HSPCB/PR/2024/1968-69 dated 18/11/2024 to the Joint Commissioner, Municipal Corporation Panipat. Copy of show cause notice dated 18/11/2024 is attached as **Annexure-R/3**.

Date - 05.12.2024
Place - Panipat


Bhupinder Singh,
Regional Officer,
HSPCB, Panipat.

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HARYANA STATE POLLUTION CONTROL BOARD
SCO No.55, SECTOR-25, HUDA, PANIPAT

Ph. - 01801 2672007, Telefax - 2664951, E-mail: hspcb@rediffmail.com

No HSPCB/PR/2024/1401

Dated 10-12-2024

M/s JBM Environment Management Private Limited,
 501 Hemkunt Chambers, 59 Nehru Place, New Delhi-110019

Sub- Show cause notice for imposition of Environmental Compensation for the improper handling and unscientific dumping of solid waste at Village Mehra, Panipat in violation of Solid Waste Management Rules, 2016 as per board policy order dated 22/12/2021 for the Methodology for Assessment Environmental Compensation.

Whereas Original Application (O.A) No 810/2024 under Section 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as NGT Act, 2010) has been registered by Sh. Ashish, Village Ugra Khan, Panipat

Whereas the allegation is that M/s JBM Enviro Group are dumping huge garbage and solid waste in open land at Village Mehra, Panipat in improper and unscientific manner, open burning of waste and dumping of waste in River

Whereas the said site was visited by the Joint Committee constituted by NGT vide order dated 27/08/2024. During inspection it was informed by the representative MC, Panipat that the responsibility of treatment and disposal of solid waste of MC, Panipat is with your unit. The following violations of Solid Waste Management Rules, 2016 were observed at site

- 1 The legacy waste with approx quantity 360 MT has been found dispose on the site located at Village Mehra, Panipat
- 2 No segregation of solid waste was done by the company
- 3 No covered facility for storage of street sweeping was provided by the company
- 4 No boundary wall of the site was done by the company
- 5 The waste is dumped in pervious open land and solid waste is causing damage to the upper soil and leachate percolate through soil thus contaminating ground water

In view of the above, you are hereby show caused for 15 days as to why Environmental compensation may not to be imposed for the damage caused to the environment, for above mentioned non-compliance of Solid Waste Management Rules, 2016

In case you fail to comply with the non-compliance mentioned above within the above mentioned stipulated time period, it will be presumed that you have nothing to say in this regard and accept the status as above, which will warrant the imposition of Environmental Compensation as per board policy order dated 22/12/2021 for the Methodology for Assessment Environmental Compensation

[Signature]
 Regional Officer
 Panipat Region

Encl: No HSPCB/PR/2024/

Date:

- A copy of the above is forwarded to the following
- 1 The Chairman, Haryana State Pollution Control Board, Panchkula
 - 2 The Deputy Commissioner, Panipat
 - 3 The Municipal Commissioner, Panipat with request to take action against the unit M/s JBM Environment Management Private Limited for violating with SWM Rules, 2016

Regional Officer
 Panipat Region

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HARYANA STATE POLLUTION CONTROL BOARD
SCO No.55, SECTOR-25, HUDA, PANIPAT

Ph. - (0180) 2672037, Telefax - 2664951, E-mail: hspcbprgn@gmail.com

No HSPCB/PR/2024/ 1747

Dated 06-11-2024

To

The Chairman,
 Haryana State Pollution Control Board,
 Panchkula

Kind Attn: SEE, Planning Cell (HQ)

Subject: Recommendation for Levying Environmental Compensation on M/S JBM Environment Management Private Limited, 601, Hemkunt Chambers, 89 Nehru Place, New Delhi-110019.

1	Name & address of the unit	M/s JBM Environment Management Private Limited, 601, Hemkunt Chambers, 89 Nehru Place, New Delhi-110019
2	Name and designation of the officer(s) inspected the unit	Bhupinder Singh, Regional Officer, Panipat Braham Parkash, SDM, Panipat
3	Product(s) and bio-products	Waste Dumping Site
4	Manufacturing process	Solid Waste Dumping Site
5	Status of CTE	NA
6	Status of CTO	NA
7	Date of inspection of the unit	07/10/2024
8	Date of commissioning	NA
9	Detail of violation observed during inspection:	Unscientific dumping of solid waste was done at site
10	Category of the unit	NA
11	Complaint/Court case, if any	NGT Matter (OA No.610/2024)
12	Detail of sampling and analysis of effluent/air emission exceeding the norms.	Not Required
13	Reasons for not collection of samples, if not collected.	Solid Waste Dumping Site
14	Detail of Show Cause Notice for closure and EC issued with date.	Show cause notice issued vide letter No HSPCB/PR/2024/1401 dated 10/10/2024.
15	Reply of Show Cause Notice, if any received.	No reply submitted by the unit till date.
16	No and date of closure order issued by the Head Office.	NA
17	Compliance of closure order if applicable.	NA
18	Present status of compliance made by the unit, if any after issue of show cause notice.	No reply submitted by the unit till date.
19	Cases for levying environmental compensation.-	Unscientific dumping of solid waste was done at site

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20	Date of last inspection and sampling i.e. prior present inspection (Water and/or Air and/or other pollution).	Not required
21	Justification of imposing environmental compensation for Last five year.	Not related in present case as per EC equation.
22	Final reasoned recommendations in respect of EC and documents attached to be verified	The following deficiencies were found at time of inspection - I The legacy waste has been found on the site located at Village-Mehrana, Panipat. Quantity was stated to be approx. 360 MT by MC, Panipat. II No segregation of solid waste was done by the Concessionaire. III No boundary wall of the site was done by the Concessionaire. IV The waste is dumped in pervious open land and solid waste is causing damage to the upper soil and leachate percolate through soil thus contaminating ground water.
23	Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:	Recommendation of RO Till date 360 MT of waste has been dumped for period July, 2023 to January, 2024 (214 days) Quantity in TPD=360/214=1.68 $EC = \text{Capital Cost Factor} \times \text{Marginal Average Cost for Waste Management} \times (\text{Per day waste generation-Per day waste disposed as per the Rules}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Per day waste generation-Per day waste disposed as per the Rules}) \times \text{Number of days violation took place} + \text{Environmental Externality} \times N$ Where Waste Quantity in tons per day (TPD) N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority Simplifying $EC (\text{Lacs Rs.}) = 2.4 (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02 (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N$ $EC = 2.4(1.68-0) + 0.02(1.68-0) \times 214$ $EC = 11.22 \text{ lacs}$
24	Total Amount calculated	11,22,240/-

DA/NGT order dated 27/09/2024
 Copy of SCN dated 10/10/2024
 NGT report dated 11/10/2024


 Kuldeep Singh, AEE
 Field Officer


 Bhupinder Singh, S/11
 Regional Officer, Panipat

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HARYANA STATE POLLUTION CONTROL BOARD
SCO No.55, SECTOR-25, HUDA, PANIPAT

Ph. - (0180) 2672037, Telefax - 2664951, E-mail: hspcbpr@gmail.com

No.HSPCB/PR/2024/ 1968 - 1969

Dated: 18/11/24

To

1. The Joint Commissioner, Municipal Corporation, Panipat.
2. The District Municipal Commissioner, Municipal Corporation, Panipat.

Sub: Show Cause Notice for Imposition of Penalty for Contravention of provisions of and Non-Compliance with Municipal Solid Waste (Management & Handling) Rules 2016 and Plastic Waste Management Rules, 2016 under Section-15 (B) of Environment Protection Act, 1986; along with Imposition of Environmental Compensation as per HSPCB Environmental Compensation Policy issued vide no. HSPCB/PLG/2021/2343-2350.

Whereas, the Ministry of Environment Forest and Climate Change, Government of India, in exercise of the powers conferred under section 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Waste (Management and Handling) Rules, 2000, has notified the Solid Waste Management Rules, 2016. As per Rule 15 of Solid Waste Management Rules, the role of local body has been specified for the implementation of solid waste management in the respective local bodies,

Whereas, the solid waste dumping site of Village- Mehrana lying between the two canals carrying fresh water i.e. Delhi parallel branch and carrier link channel was inspected by the joint committee comprising of Sh. Braham Parkash, HCS, Sub-Divisional Magistrate, Panipat and Bhupinder Singh, Regional Officer Haryana State Pollution Control Board, Panipat on 07.10.2024 as constituted by the Deputy Commissioner, Panipat vide order dated 27/09/2024. The solid waste was being disposed off by M/s JBM Environment Management Private Limited (herein after called as 'Concessioner') at the said site as informed by Sh. Jitender Narwal, Chief Sanitary Inspector, Municipal Corporation, Panipat and Sh. Ajit Tiwari, representative of the company present during the time of inspection. During the time of inspection the following observations were found:-

- i. The legacy waste with approx. quantity 360 MI has been found dispose on the site located at Village-Mehrana, Panipat.
- ii. No segregation of solid waste was done by the company.
- iii. No covered facility for storage of street sweeping was provided by the company.
- iv. No boundary wall of the site was done by the company.
- v. The waste is dumped in pervious open land and solid waste is causing damage to the upper soil and leachate percolate through soil thus contaminating ground water.

Whereas, upon inspection it was found that garbage in humongous quantum is dumped and scattered all over with a possibility of being burnt,

Whereas, no responsible person was present at the site and the said solid waste, plastic wrappers, packets etc. were dumped in a totally unsuitable manner and hence polluting the environment,

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Whereas, the same tantamount to a blatant disregard of the directions of Hon'ble Supreme Court in Civil Writ Petition of M.C. Mehta v. Union of India 13029/1985,

Whereas, by doing so you're improperly and unscientifically disposing the solid and plastic waste under your jurisdiction in violation of the above said Acts and direction thus liable for **Imposition of Penalty** under Section-15 of Environment Protection Act, 1986 along with Municipal Solid Waste (Management & Handling) Rules 2016 and Plastic Waste Management Rules, 2016; along with imposition of Environmental Compensation as per HSPCB Environmental Compensation Policy issued vide HSPCB/PLG/2021/2343-2350 dated 22.12.2021.

For clarification, Section 15 of the Environment Protection Act, 1986 (as amended by Jan Vishwas Act 2023) read as follows:-

15B. Penalty for contravention by Government Department.—

(1) Where contravention of any of the provision of this Act has been committed by any Department of the Central Government or the State Government, the Head of the Department shall be liable to penalty equal to one month of his basic salary: Provided that he shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, the officer shall be liable to penalty equal to one month of his basic salary: Provided that he shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.

Therefore, you are hereby show caused for 15 days as to why Imposition of Penalty as well as Environmental Compensation against you and other responsible officers/officials under the above said rules/acts/orders should not be initiated without giving any further notice/communication.

Regional Officer,
HSPCB, Panipat

Dated: 18/11/24

Endst. No. HSPCB/PR/2024/1970-72

A copy of the above is forwarded to:

1. The Member Secretary, HSPCB, Panchkula for kind information, please.
2. The District Magistrate, Panipat, for kind information please.
3. The Commissioner, Municipal Corporation, Panipat for kind information and n/a please.

Regional Officer,
HSPCB, Panipat