

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

**E.A. NO. 10/2023
IN
O.A. NO. 214/2021**

IN THE MATTER OF:

SHAILESH SINGH

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

...RESPONDENTS

INDEX

S. No.	Particulars	Page Nos.
1.	Status Report on behalf of Respondent No. 3- Municipal Corporation of Delhi	1-6
2.	Annexure R-1 A true copy of the GNCTD's order dt. 14.10.2024 augmenting the Commissioner's (MCD) financial power for 4 solid waste management projects under Section 202(c), DMC Act	7
4.	Annexure R-2 A true copy of answering Respondent's letter dt. 04.11.2024 to Department of Urban Development (GNCTD)	8
5.	Annexure R-3 A true copy of the answering Respondent's letter dt. 31.12.2024 to the Department of Urban Development (GNCTD)	9-10
6.	Annexure R-4 A true copy of the answering Respondent's letter dt. 16.01.2025 to the DPCC	11-12

7.	Proof of Service	13
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RESPONDENT NO. 3

REPRESENTED BY:



MANU CHATURVEDI

Standing Counsel

Municipal Corporation of Delhi

B-30, Hill View Apartment

Vasant Vihar, New Delhi-110057

E.: manuchaturvedi@gmail.com

M.: +919315827955

Place: New Delhi

Date: 11.02.2025

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

E.A. NO. 10/2023
IN
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IN THE MATTER OF:

SHAILESH SINGH

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**STATUS REPORT ON BEHALF OF RESPONDENT NO. 3 – MUNICIPAL
CORPORATION OF DELHI**

I, Dr. Sanjeev Gupta, s/o Late Sh. K.L. Gupta, aged about 55 years, working as Deputy Director, Veterinary Department, Municipal Corporation of Delhi, am authorised to depose the present affidavit on behalf of Respondent No. 3, and do hereby affirm and state as under:

1. That the Delhi Pollution Control Committee ('DPCC') *vide* its letter dt. 06.07.2022 directed the answering Respondent to apply for the renewal of Consent to Operate ('CTO') for the Ghazipur slaughter house, as well as establish a Bio-Methanation/Ingesta/Dung-Drying Plant at the earliest.
2. That as submitted *vide* the answering Respondent's status report dt. 26.07.2024, in pursuance of the DPCC's aforesaid direction, the answering Respondent made strenuous efforts to set up the Bio-Methanation/Ingesta/Dung-Drying Plant ('subject

work), while being bound by relevant statutory mandates which require floating of appropriate tenders. Moreover, given the technical nature and infrastructure involved

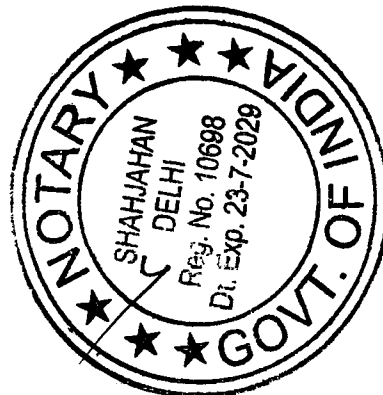


in the subject work, a specialized agency with expertise and technological know-how is required to undertake such an endeavour.

3. That in pursuance of the above, the answering Respondent floated 4 (four) tenders between 22.05.23 to 23.09.2023, all of which had to be re-tendered for various reasons as outlined in earlier status report dt. 26.07.2024. Subsequently, in the 5th tender (Tender No. EE(E&M)/MCD/Engg./2023-24/15) floated by the answering Respondent dt. 26.10.2023, 2 (two) bids were received, and after necessary technical evaluation, the tender was finalized and M/s Food Processing Equipments Co. Pvt. Ltd. emerged as the successful L-1 bidder on dt. 28.02.2024..
4. It is pertinent to note that while the aforementioned tender has been finalized and M/s Food Processing Equipments Co. Pvt. Ltd. has emerged as the successful L-1 bidder for the subject work, the Standing Committee of the answering Respondent constituted under Section 45 of the Delhi Municipal Corporation Act, 1957 [DMC Act, 1957] needs to approve the rate and agency of the subject work, as per the statutory scheme under Section 49 of the DMC Act, 1957. The Standing Committee's approval in this regard is a pre-condition for the concerned department of the answering Respondent to award and direct commencement of the works to be executed. It may be noted that the Standing Committee has not been constituted for the last 25 months, and the matter for the constitution of the Standing Committee is still *sub judice* before the Hon'ble Supreme Court.



5. The foregoing position is duly noted in this Hon'ble Tribunal's order dt. 30.07.2024, which inter alia recorded the answering Respondent's submission it would file an appropriate application in the pending writ petition before the Hon'ble Supreme Court with an appropriate prayer so that the project proceeds further.
6. In the intervening period, the answering respondent made several requests to the Government of NCT of Delhi ('GNCTD') to augment financial powers of the Commissioner, MCD upto INR 50 Crores, for approval of rate and agency under Section 202(c), DMC Act. In pursuance of such communication, the GNCTD *vide* order dt. 14.10.2024 noted that on account of non-constitution of the Standing Committee, the answering Respondent was unable to execute contracts relating to management of municipal solid waste, leading to a situation that where it was facing difficulties in meeting its obligatory functions prescribed under Section 42, DMC Act. Pursuant thereto, the GNCTD did not accord general augmentation of the Commissioner, MCD's financial powers but permitted the Commissioner to execute 4 (four) contracts pertaining solid waste management:
- a. Rate and agency contract for "Collection and Transportation of Municipal Solid Waste, Street Sweeping Waste, Green Waste and Construction & Demolition Waste for Central Zone" (Total Value: INR 1137.98 Crores)
 - b. Rate and agency contract for setting up Municipal Solid Waste (MSW) to energy Facility at Narela – Bawana, Delhi with capacity of 3000 TPD (Total value: INR 604.26 Crores)

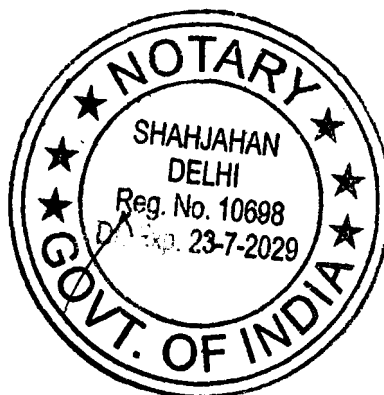


- c. Rate and agency contracts for bio-mining of legacy waste / silt at Singhola (Total Value: INR 46.17 Crores)
- d. Bio-mining of legacy waste at 3 waste dump sites, namely, Bhalaswa, Okhla and Ghazipur (Total Value INR 603.45 Crores)

A true copy of the GNCTD's order dt. 14.10.2024 augmenting the Commissioner's (MCD) financial power for 4 solid waste management projects under Section 202(c), DMC Act is annexed hereto and marked as **Annexure R-1**.

7. That subsequently, the answering Respondent *vide* Letter No. Addl./Comm.(Engg.)/MCD/D-54 dt. 04.11.2024 requested the Addl. Chief Secretary, Department of Urban Development (GNCTD) to again augment financial powers of the Commissioner, MCD upto INR 50 Crores, for approval of rate and agency under Section 202(c), DMC Act. Importantly, the answering Respondent referred to the present proceedings and orders passed by this Hon'ble Tribunal herein to convey urgency in the matter. A true copy of answering Respondent's letter dt. 04.11.2024 to Department of Urban Development (GNCTD) is annexed herewith and marked as **Annexure R-2**.

8. However, the GNCTD did not respond to the aforesaid communication. Therefore, the answering Respondent *vide* Letter No. Addl.Comm.(VS)/MCD/2024/D-73 dt. 31.12.2024 requested the GNCTD to specifically authorize the Commissioner, MCD to approve the rate and agency for undertaking the subject work in terms of the




finalized tender by delegating relevant financial powers, as done for aforementioned 4 (four) projects. Pendency of the present proceedings and coercive proceedings initiated by DPCC to recover INR 50 lacs were reiterated in the said letter. A true copy of the answering Respondent's letter dt. 31.12.2024 to the Department of Urban Development (GNCTD) is annexed herewith and marked as **Annexure R-3**.

9. It is further submitted that the Chairman, DPCC vide letter No. Addl.Comm.(VS)/MCD/2025/D-78 dated 16.01.2025 has also been requested to take up the issue with Govt. of NCT of Delhi for expediting the authorization to Commissioner, MCD in relation to the approval of rate and agency pertaining to the subject work. A true copy of the answering Respondent's letter dt. 16.01.2025 to the DPCC is annexed herewith and marked as **Annexure R-4**.

10. In light of the foregoing, it is humbly submitted that the answering Respondent is making sincere efforts for the finalization of the subject work, so as to render compliance of this Hon'ble Tribunal's order under execution. However, it remains hamstrung due to non-formation of the Standing Committee and lack of response from the GNCTD, even though similarly placed projects have received GNCTD's approval. It is prayed that this Hon'ble Tribunal may be pleased to take the above-narrated facts on records and pass appropriate orders. The answering Respondent undertakes to assist this Hon'ble Tribunal and submit additional affidavits, Status Reports and/or any other documents as may be directed by this Hon'ble Tribunal.




DEPONENT
Dr. Sanjeev Gupta
Dy. Director
Incharge, Ghazipur Slaughter House

VERIFICATION:

Verified at New Delhi on this 11 day of Feb, 2025 that the contents of the above affidavit are true and correct to my knowledge, and nothing material has been concealed thereof.

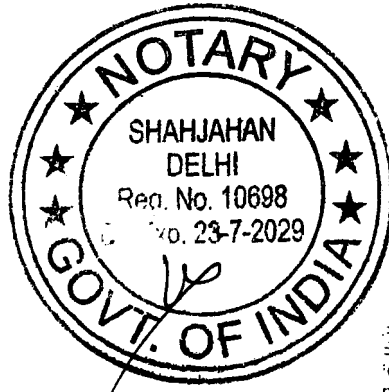
has
I identify the Deponent who has signed in my Presence

11. FEB 2025



DEPONENT

Dr. Sanjeev Gupta
Dy. Director
Incharge, Ghazipur Slaughter House



CERTIFIED THAT THE DEPONENT
Shri/Smt.
S/o M/o P/o
identified by Shri.....
has solemnly affirmed before me at Delhi
on.....
that the contents of the affidavit which
have been read & explained to me are
true and correct to his & knowledge

Sanjeev
23

Manoj Chandra
As

Notary Public

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GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
LOCAL BODIES - I BRANCH
10TH LEVEL 'C' WING, DELHI SECRETARIAT
NEW DELHI-110002

ANNEXURE-R-1

No. F.13(551)/ UD/LB-I/Enhancement of powers of Comm. MCD/2024/3833-37

Dated: 14/10/2024

7

ORDER

Whereas management of Municipal Solid Waste in Delhi is an obligatory function of Municipal Corporation of Delhi under section 42 of the Delhi Municipal Corporation Act, 1957 for which the Corporation is required to execute contracts with management agencies for collection, management and disposal of municipal solid waste as per the Solid Waste Management Rules, 2016.

And whereas, the powers to execute the contracts in excess of Rs. Five Cores vests with the Standing Committee of the Municipal Corporation of Delhi.

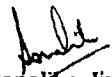
And whereas, on account of non-constitution of the Standing Committee, the contracts relating to management of municipal solid waste could not be executed, leading to a situation that the Municipal Corporation is facing difficulties in meeting its obligatory functions prescribed under the Act.

Now therefore, in exercise of Powers under clause (c) of Section 202 of Delhi Municipal Corporation Act, 1957, the Government of National Capital Territory of Delhi hereby fixes the following limit with respect to the specific solid waste management contracts as specified below, wherein the Commissioner may execute the contract, subject to the condition that the details of specific contracts shall be intimated to the Standing Committee, as and when constituted.

Sl. No.	Name of the Project	Limit as per Section 202(c)
1.	Rate and agency contract for "Collection and Transportation of Municipal Solid Waste, Street Sweeping Waste, Green Waste and Construction & Demolition Waste for Central Zone"	Rs. 1137.98 crore
2.	Rate and agency contract for setting up Municipal Solid Waste (MSW) to energy Facility at Narela-Bawana, Delhi with capacity of 3000 TPD	Rs. 604.26 crore
3.	Rate and agency contracts for Bio-mining of legacy waste / silt at Singhola.	Rs. 46.17 crore
4.	Bio-mining of legacy waste at 3 dump sites namely; (a) Okhla (b) Ghazipur (c) Bhalaswa	(a) Rs. 156.45 crore (b) Rs. 223.50 crore (c) Rs. 223.50 crore

The Commissioner shall, in exercise of the said powers, ensure that the relevant codal and General Financial Rules are strictly adhered to, and appropriate mechanism of seeking advise of Finance unit of the Corporation is put in place.

By order and in the name of Lt. Governor of Delhi


(Sonalika Jiwani)
Special Secretary (UD)

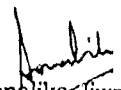
To,
The Commissioner, Municipal Corporation of Delhi

No. F.13(551)/ UD/LB-I/Enhancement of powers of Comm. MCD/2024/3833-37

Dated: 14/10/2024

Copy for information to:-

1. The Pr. Secretary to Lt. Governor, Govt. of NCT of Delhi.
2. The Staff Officer to Chief Secretary, Govt. of NCT of Delhi
3. PS to ACS (UD), UD Department, GNCTD
4. Guard file


(Sonalika Jiwani)
Special Secretary (UD)

T.C


ANNEXURE - R-2

B



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE ADDL. COMMISSIONER (ENGG.)
 6TH Level, E-1 Block, Dr. S.P.M. Civic Center,
 Jawaharlal Nehru Marg, New Delhi - 110002



149/C

No. Addl. Comm. (Engg.) / MCD/D-54

Dated: 04/11/2024

To

The Additional Chief Secretary,
 Department of Urban Development, GNCTD
 Delhi Secretariat, IP Estate,
 New Delhi-110002.

Subject : **Proposal regarding authorization for exercising financial powers
 by Commissioner, MCD under Section 202 (c) of the DMC Act**

Respected Sir,

1) Vide its note dated 18.09.2023, MCD had requested for authorizing Commissioner, MCD to exercise financial powers upto Rs.50 crores in each case for approval of rate & agency under Section 202 (C) of DMC Act (copy enclosed).

Subsequently, the proposal was reiterated along with further request for authorising the Commissioner, MCD vide note dated 09.07.2024 for Solid Waste projects (copy enclosed). This was again reiterated vide note dated 02.08.2024 (copy enclosed).

However, on the advice of UD Department, MCD vide letter No.Addl.Comm./DEMS/MCD/2024/D-232 dated 05.09.2024 again wrote for authorising Commissioner, MCD for executing rate and agency contract for works of more than Rs.5 Crores (copy enclosed).

Further, MCD also requested for authorisation to Commissioner, MCD upto Rs.50 Crores vide letter No.CE/Shah.South/MCD/2024-25/192 dated 14.10.2024 in the context of AMRUT 2.0 projects (copy enclosed).

2) It is therefore once again requested to authorise Commissioner, MCD to approve rate and agency for any project/work costing up to Rs.50 Crore till formation of Standing Committee.

3) Also it is not possible to predict all eventualities, hence, full authorization, irrespective of amount may be given to Commissioner, MCD for Solid Waste Projects till formation of Standing Committee.

4) Further, as per NGT order dated 13.05.2022 in O.A. No.214/2021 an Ingesta plant is to be set up. Tenders have been received and the work is required to be awarded to L1 agency M/s Food Processing Equipments Co. Pvt. Limited. L1 rate in the said case is Rs.6,80,04,070/- (Rupees Six Crore Eighty Lacs Four Thousands Seventy Only).

In absence of the Standing Committee, this is also pending. Had the proposal as mooted by MCD been approved, this would have been decided.

5) It is, therefore, requested to kindly consider the authorization as per point.No.2 & 3 above and also for Ingesta plant at the earliest.

This issues with the approval of the Commissioner, MCD.

Syadar
 4/11/24
 Additional Commissioner (Engg.)
 Municipal Corporation of Delhi

Copy to :

1. Staff Officer to Chief Secretary, GNCTD : for kind information of the Chief Secretary.
2. Shri Manu Chaturvedi, Standing Counsel in O.A. No.214/2021 in NGT : for kind information and necessary action.
3. Office Copy.

Syadar
 4/11/24
 Additional Commissioner (Engg.)
 Municipal Corporation of Delhi

T-C

ANNEXURE - R-3

PANKAJ AGRAWAL
IOFS
Addl. Commissioner(VS)



MUNICIPAL CORPORATION OF DELHI

Office of the Addl. Commissioner (VS)

Dr. SPM Civic Centre, 4th Floor (E1 Block)

Jawaharlal Nehru Marg

New Delhi - 110 002

Phone : 011-

Email:

D.O. No. ADDL.COMM.(VS)/MCD/2024/D- 73

Dated : 31/12/2024

To

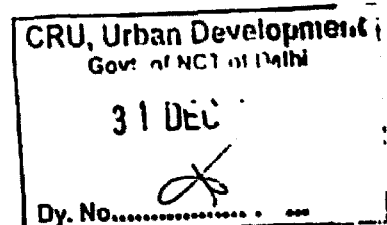
The Additional Chief Secretary
Urban Development Department
10th Level Delhi Secretariat, I.P. Estate,
New Delhi - 110002

Sir,

This has reference to the letter of Delhi Pollution Control Committee (DPCC) No. DPCC/VMW/2019/12790-92 dated 16.04.2019 vide which, the environmental compensation of ₹50.00 Lakh was imposed on erstwhile East Delhi Municipal Corporation (EDMC) for non installation of Bio Methanation Plant at Ghazipur Slaughter House. The requests were made to DPCC by the EDMC to waive off the environmental compensation due to financial crunch but the DPCC vide letter No. DPCC/WMC-II/52/2020/1102-1103 dated 23.07.2024 has communicated that EC of ₹50.00 lacs imposed by the DPCC vide letter dated 16.04.2019 for non installation of Biomethanation Plant at Ghazipur Slaughter House shall not be waived off. Recently, the DPCC vide letter No. DPCC/WMC-III/SZ/2020/3365-3369 dated 09.12.2024 has requested the District Magistrate (East) to direct the concerned SDM to take necessary action for the recovery of said environmental compensation from the Incharge, Ghazipur Slaughter House. Copy of the letter of DPCC vide dated 09.12.2024 is enclosed for ready reference.

In this regard, it is submitted that the MCD has finalized the agency for installation of Ingesta/Dung Drying Plant at Ghazipur Slaughter House as suggested by the DPCC. Since the cost of Ingesta Dung Drying Plant is ₹6.80 Crorè (approx.), the rates & agency for execution of above work are to be approved by the Standing Committee of MCD. As the Standing Committee has yet not been formed and the work of installation of Ingesta Dung Drying Plant is delayed, a proposal vide No. Addl. Comm. (Engg.)/MCD/D-54 dated 04.11.2024 has been sent to the Urban Development Department, GNCTD for authorization of the Commissioner, MCD for exercising financial power as provisioned under Section 202 of DMC Act. The copy of the letter dated 04.11.2024 is enclosed herewith for ready reference. A case

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related to installation of Ingesta Dung Drying Plant at Ghazipur Slaughter House is pending before the Hon'ble NGT. The next date of hearing in the matter is on 14.02.2025. However, the delegation of financial powers to the Commissioner, MCD is still awaited from Govt. of NCT of Delhi.

Since the work of installation of Ingesta Dung Drying Plant is getting delayed due to non formation of the Standing Committee in MCD, it is, therefore again requested to authorize the Commissioner, MCD by delegating the financial powers so as to accord the approval of cost and agency to award the work of installation of Ingesta Dung Drying Plant at Ghazipur Slaughter House.

(ENCLOSURE)
 DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT
 GOVT. OF DELHI
 4TH FLOOR, ISBT BUILDING
 KASHMERE GATE, DELHI-110006

Sharma
 11/12/25

Copy for kind information to:-

1. The Chairman, DPCC, GNCTD, 4th & 5th Floor ISBT, Kashmere Gate, New Delhi-110006
2. P. S. to the Commissioner, MCD for Commissioner's information please

T.C
a

PANKAJ AGRAWAL, IOFS
ADDITIONAL COMMISSIONER



MUNICIPAL CORPORATION OF DELHI

4th Level, E-1 Wing.
 Dr. SPM Civic Center, J.L. Nehru Marg,
 Miniko Road, New Delhi-110002
 Phone No.: 011-23225454

D.O. No. ADDL.COMM.(VS)/MCD/2025/D-78

Dated : 16/01/2025

Dear Sir,

This has reference to the letter of Delhi Pollution Control Committee (DPCC) No. DPCC/VMW/2019/12790-92 dated 16.04.2019 vide which the environmental compensation of ₹50.00 Lakh was imposed on erstwhile East Delhi Municipal Corporation (EDMC) for non installation of Bio-Methanation Plant at Ghazipur Slaughter House. The requests were made to DPCC by the EDMC/MCD to waive off the environmental compensation due to financial crunch. Later, the MCD vide letter No. GSH/MCD/2024-25/181 dated 07.06.2024 again requested the DPCC to waive off the environmental compensation as the process of pending for Ingesta Dung Drying Plant is in advance stage, but the DPCC vide letter No. DPCC/WMC-II/52/2020/1102-1103 dated 23.07.2024 has communicated that EC of ₹50.00 lacs imposed by the DPCC vide letter dated 16.04.2019 for non installation of Biomethanation Plant at Ghazipur Slaughter House shall not be waived off.

The DPCC vide letter No. DPCC/WMC-III/SZ/2020/3365-3369 dated 09.12.2024 has also requested the District Magistrate (East) GNCTD to direct the concerned SDM to take necessary action for the recovery of said environmental compensation from the Incharge, Ghazipur Slaughter House. Copy of the letter of DPCC vide dated 09.12.2024 is enclosed for ready reference.

In this regard, it is submitted that the MCD has finalized the agency for installation of Ingesta/Dung Drying Plant at Ghazipur Slaughter House as suggested by the DPCC. Since the cost of Ingesta Dung Drying Plant is ₹6.80 Crore (approx.), the rates & agency for execution of above work are to be approved by the Standing Committee of MCD. As the Standing Committee has yet not been formed, a proposal vide No. Addl. Comm. (Engg.)/MCD/D-54 dated 04.11.2024 was sent to the Urban Development Department, GNCTD for authorization to the Commissioner, MCD for exercising the financial powers as provisioned under Section 202 of DMC Act. The copy of the letter dated 04.11.2024 is enclosed herewith for ready reference.

Another request has also been submitted to the Additional Chief Secretary, Urban Development Department, GNCTD vide letter No. ADDL.COMM.(VS)/MCD/2024/D-73 dated 31.12.2024 for authorization of Commissioner, MCD to decide the cost and agency and awarding work of Ingesta Dung Drying Plant at Ghazipur Slaughter House. The copy of the letter dated 31.12.2024 is enclosed herewith for ready reference. However, the decision from Govt. of NCT of Delhi is still awaited.

Suman
 12/1/25
 ENQUIRY CONTROL COMMITTEE
 DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT
 GOVT. OF NCT OF DELHI
 4TH FLOOR, 1581 BUILDING,
 KASHI MERE GATE, DELHI-110008

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A case related to Installation of Ingesta Dung Drying Plant at Ghazipur Slaughter House is pending before the Hon'ble NGT. The next date of hearing in the matter is on 14.02.2025.

In view of the above, DPCC is requested to take up with Govt. of NCT of Delhi for expediting the authorization. In addition it is also requested that the Consent to Operate order for Delhi Food Processing Complex (Meat) and Delhi Food Processing Complex (Rendering) Ghazipur for Slaughter house and Rendering plant respectively may kindly be issued/renewed at the earliest. Halting of the Slaughter House Plan will be counter-productive to purposes for which the Plan was set up and will cause illegal and unhygienic slaughtering to increase in the city.

With warm regards

Sincerely


(Pankaj Agrawal)

Shri Sanjeev Kumar,
Chairman,
Delhi Pollution Control Committee (DPCC)
GNCTD, 4th & 5th Floor ISBT,
Kashmere Gate,
New Delhi-110006

T-C
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396 proof of service

13



Dheeraj baudhh <dheerajbaudhh@gmail.com>

Proof of Service. Filing - Status Report on behalf of MCD(Shailesh Singh Vs. CPCB & Ors. E.A No. 10/2023

Dheeraj baudhh <dheerajbaudhh@gmail.com>
Draft To: preeti singh <preetisingh1324@gmail.com>

11 February 2025 at 15:10

Dear Sir (s)

Please find attached a Draft of the Status Report in the above captioned matter.

Manu Chaturvedi
Advocate
Standing Counsel for MCD

D2579/2012 BA.LL.B.(Hons.) (NUJS.Kolkata)
LL.M.(Dean's List) (Univ. of California,
Berkeley Fulbright Scholar)

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Ph.:931582795
E: manuchaturvedi@gmail.com



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