

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O. A. No. 654 OF 2022

IN THE MATTER OF:-

Priyadarshini Colony Sector D,
Residence Welfare Society

.....Applicant

Versus

State of Uttar Pradesh & Ors.

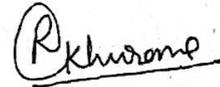
.....Respondents

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FILED BY: -

Place: New Delhi
Dated: 12.02.2023



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SUBMISSIONS ON BEHALF OF APPLICANT SOCIETY IN VIEW

OF ACTION TAKEN REPORT OF THE UPPCB

1. The present Original Application has been filed against indiscriminate and unscientific dumping of mixed waste in densely populated residential area, in violation of Solid Waste Management Rules, 2016, Bio-Medical Waste Management Rules, 2016, Plastic Waste Management Rules, 2016, E-Waste Management Rules, 2016 and Construction & Demolition Waste Management Rules, 2016. **The present site is not meeting the siting criteria as per Solid Waste Management Rules, 2016.**
2. The Lucknow Nagar Nigam has not bothered to file its reply till 10.02.2022 despite grant of two opportunities vide order dated 11.01.2023 and 20.01.2023.

The relevant para of Order dated 11.01.2023 is reproduced below:

"3. Shri Ajay Singh, learned Counsel appearing for Nagar Nigam, Lucknow stated that since it has been found that dumping of garbage is by Nagar Nigam, Lucknow, he wants to give reply on behalf of Nagar Nigam. For this purpose, he prayed for and is allowed a weeks' time.

The relevant para of Order dated 20.01.2023 is reproduced below:

"13. Further, Municipal Commissioner, Nagar Nigam, Lucknow shall file an affidavit to explain as to what further action has been taken in respect to the violations found by joint Committee in the report dated 06.01.2023 filed before Tribunal on 07.01.2023 and also action taken against company to whom operation of above Transfer Station has been given. Municipal Commissioner, Nagar Nigam, Lucknow shall also remain present before Tribunal on the next date. The Commissioner, Lucknow Nagar Nigam shall further provide report on overall status of the city to comply MSW Rules 6 giving quantum of waste generation, installed and operational status of waste processing facilities and legacy waste which has to be remediated.

14. Learned Counsel for the applicant stated that joint Committee report is silent on various issues raised in the original application and the Committee should be directed to submit further report on

all such issues. In our view, let a response be filed by respondents, State PCB and Nagar Nigam, Lucknow in respect of various issues raised by the applicant in the original application, by the next date."

3. That after order dated 20.01.2023, a report has been filed by the UPPCB and it has failed to deal the following issues raised in the OA:

(i) Dumping site in question is surrounded by number of residential apartments, schools, 10 hospitals, food stuffs sale points, dairies and sweet shops etc. within radius of 100 to 250 meter. There are Eldeco Park View Apartment (distance 100 meter), Sector D, Priyadarshini Colony (Adjacent), Sector C, Priyadarshini Colony (100 meter), Sector C, LDA Apartment (150-200 meter), 10 Hospitals in radius (250-300 meter), 5-7 Schools in radius (200-300 meter), 5 sweets shop near (100 meter) and Milk Dairy Products (100 meter) which are situated just at a distance of 100-300 meter away from this huge dumping yard.

Siting Criteria has not been followed. There is No Comment/directions/advisory from the UPPCB in this regard.

(ii) Ground water is being contaminated due to leachate discharge due to unscientific dumping of mixed waste.

Sampling of Ground Water has not been done.

(iii) Despite closure directions passed by UPPCB, mixed waste is being dumped in the open.

(iv) The people residing in nearby vicinity, are facing severe health hazards which are giving rise to many deadly diseases like in the Human Respiratory System and even cancer. The

UPPCB has annexed the Certificates issued by Hospitals with report only to show that things are aggravate from Feb/March, 2022 but there is No Comment/directions/advisory from the UPPCB to address the ill-health of the residents.

4. That it is very difficult to have tea/lunch/dinner in drawing room with guests because this dumping zone has caused a very foul and obnoxious smell which is giving rise to breeding of flies and mosquitoes and making the lives of the areas residing in the adjoining places totally miserable.
5. That scarcity of land and non-availability of other land is cannot be an excuse to cause health hazardous of a particular Colony. If District Administration deems it proper, then let such facility should be operated near to house of the Commissioner, Lucknow Nagar Nigam and the Deputy Commissioner, Lucknow.

In view of the above, it is prayed that Lucknow Nagar Nigam be directed to adopt the De-centralised approach and stop transportation of waste from other parts of the city to the site in question.

Place: Lucknow
Dated: 12.02.2023

APPLICANT

अनुपम कुमार श्रीवास्तव



अध्यक्ष

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प्रांतीय मालवी सेक्टर डी
अस्य प्रेसफायर सोसाइटी