

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
APPLICATION NO 81 OF 2014 (WZ)

IN THE MATTER OF:

Kantha Vibhag Yuva Koli Samaj Parivartan Trust and Ors ...Applicants

VERSUS

State of Gujarat and Ors.

...Respondents

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Place: Pune

Date:02.04.2025

Filed By:-



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SUBMISSIONS ON BEHALF OF THE APPLICANTS TO SURAT MUNICIPAL CORPORATION/RESPONDENT NO.4 REPLY AFFIDAVIT DATED 17.12.2022 PURSUANT TO THE ORDER DATED 04.05.2023

Most Respectfully showeth as under:-

1. That the present submissions are being filed on behalf of the applicant to the reply affidavit dated 17.12.2022 filed by Respondent no.4/Surat Municipal Corporation pursuant to the order dated 04.05.2023 passed in the above-mentioned matter and also as a response to the report of the Joint Committee. The submissions made hereinbelow be read in conjunction with the status report dated 10.09.2022 filed by the Applicants.

2. The Ld. NGT vide order dated 19.09.2017, passed the following directions in the OA, extract of the same are reproduced hereinbelow:

"The Applicant is seeking stoppage to dumping of untreated, unsegregated MSW in the open area, and more particularly, the

implementation of the Solid Waste Management Rules, 2016, presently in force within the limits of Surat Municipal Corporation (SMC).

Learned Counsel appearing on behalf of the Applicant undertakes to apprise the Municipal Corporation through its Counsel of the things/works the Corporation will have to do in a given timeframe for redressal of its grievances in the present case today.

Learned Counsel appearing on behalf of SMC concedes to the fact that the Corporation remains under obligation to perform its duties as per the Solid Waste Management Rules, 2016 and would spare no efforts to execute those Rules in true letter and spirit. She submits that the site at Khajod is designated for landfill as well as for MSW Processing Plant and waste to energy plant of 100 TPD on PPP basis. She further submits that SMC will consider proposal of the Applicant as regards the works and things required to be done for redressal of their grievances and will be filing an undertaking before the Tribunal as regards the action SMC will be taking in time bound manner on or before the next date.

List this case on 28th September, 2017."

3. The applicant filed Action points for implementation of MSW Rules, 2016 pursuant to this order. The R-4/SMC filed a conditional Undertaking dated 26.09.2017 for implementation of the MSW Rules, 2016, which has been objected to by the Applicants in its Additional Affidavit dated 15.01.2018.
4. The applicants are outlining in a tabular form the present status of implementation of the Action Points submitted by the applicants and the conditional undertaking submitted by SMC pursuant to the orders of the Ld. Tribunal and also the response of the Joint Committee dated .

| Sl No. | Action Points submitted by Applicants dated 19.09.2017 | Conditional undertaking submitted by R-4/SMC dated 26.09.2017 | Status of implementation |
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| 1. | Setting up of Waste to Energy plant for 1000TPD at Khajod Land Fill Site, at Survey No. 111/A, Khajod, Taluka Choryasi, District Surat, Gujarat (hereinafter referred to as 'Khajod Land Fill Site') within a period of 24 months. | Waste to Energy Plant for 1000 TPD has been proposed to set up at Khajod land fill site at Sr. No. 111/A, Khajod Taluka Choryasi, District Surat, Gujarat within a period of 24 months. Land Lease Deed has been also executed for the location at Khajod. <u>[Further in any circumstance, shifting of this plant is required, then alternative arrangement shall be made in advance to comply with SWM Rules, 2016.</u> It is pertinent to note that other work of 1200 TPD waste to energy plant has been awarded to M/s Abellon Clean Energy Pvt. Ltd. | There is no implementation of this undertaking. No work has been initiated and no tender for the work has been granted for WTE Plant. |
| 2. | Setting up of Waste to Energy Plant on EPC basis for 600 TPD at Khajod, Surat (as mentioned in | Waste to Energy Plant on <u>EPC or PPP</u> basis, whichever financially viable, for 600 TPD will be | Same as above. No implementation. |

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| | Additional Affidavit dated 6th May 2017 of Respondent no.4 i.e. Surat Municipal Corporation (SMC)) within a period of 24 months | completed within a period of 24 months. | |
| 3. | Proper Operation of Waste to Compost Plant for 600 TPD to its full capacity at Khajod Land Fill Site | That for efficient operation for Waste to Compost Plant for 600 TPD to its full capacity at Khajod landfill site sustainable efforts will be made and it will be monitored at highest level. | 600 TPD Plant is operational but 100% processing is not taking place with full efficiency at the compost plant. |
| 4. | Extension of Sanitary Land Fill Cell No.1 within a period of 15 months (as mentioned in Additional Affidavit dated 6th May 2017 of Respondent no.4 i.e. Surat Municipal Corporation (SMC)) | Extension of Sanitary landfill cell No.1 will be completed within & period of 15 months (excluding monsoon). | Extension of Sanitary landfill cell No.1 is completed. |
| 5. | Capping of Open dumped-accumulated waste at Khajod Land Fill Site within a period of 18 months (as | Capping of open dumped accumulated waste at Khajod landfill site will be completed within a period of 18 months (excluding monsoon. | Khajod site has been remediated. Capping has been completed. |

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| | mentioned in Additional Affidavit dated 6th May 2017 of Respondent no.4 i.e. Surat Municipal Corporation (SMC)). | | |
| 6. | Enforcement of segregation of MSW at Household, commercial and industrial level | Implementation for segregation of MSW at household, Commercial, and industrial level shall be followed through IEC activities and subsequently would take stringent action in accordance with proposed public health byelaws, | Segregation is not taking place at household, Commercial, and industrial level fully. Only 40% of such waste is segregated. |
| 7. | Door-to-Door collection of segregated MSW from all households including slums and informal settlements, commercial, institutional and other non-residential premises, multi-storage buildings, large commercial complexes, malls, housing complexes as per MSW Rules, 2016 (Rule 15 (b) | Door to Door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non residential premises, from multi-storage buildings, large commercial complexes, malls, housing complexes as per rule MSW rule (Rule 15(b) Shall be effectively started within 6 months and | Transportation and Segregation of MSW is taking place at household, Commercial, and industrial level. |

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| | | will be further strengthened within 12 months. | |
| 8. | Framing of By-laws incorporating the provisions of these rules within a period of one year and ensure its implementation as per Rule 15 (e) MSW Rules, 2016 | Public health byelaw, approved by general board of Surat Municipal Corporation, incorporating the provisions of SWM rules, which shall be implemented as per rule 15(e) MSW Rules 2016 after the final approval from State Government. | Status as to its approval by State Government is not known. |
| 9. | Setup material recovery facilities or secondary storage facilities for sorting of recyclable materials and waste depositions centres for domestic hazardous waste as per Rule 15 (h) (i) MSW Rules, 2016 | Material recovery' facilities or secondary storage facilities for sorting of recyclables materials such as 21 nos. of collection center for plastic waste already operational, whereas collection centre for C&D waste (7 nos.), E-Waste (2 nos), and waste depositions center for domestic hazardous waste as per rule 15 (h)(i) MSW rule, 2016 will be set up within 24 months. Surat Municipal Corporation has already started | Material recovery' facilities or secondary storage facilities for sorting of recyclables materials has been set up for the MSW generated at 8 places at transfer station. |

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| | | Plastic waste management center at Bhatar and at present waste is being collected through various sources, and treated plastic waste is being used for road making etc and 13,000 rmt roads are constructed by using 50 MT of plastic waste. | |
| 10. | Ensure transportation of segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility as per Rule 15 (q) MSW Rules, 2016 | Separate transportation of segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility as per rule 15(q) MSW Rule, 2016 shall be initiated within 6 months and strengthen in 12 months corresponding to initializing and strengthening door to door waste collection system. | Transportation of segregated waste at the house hold level is taking place. though segregation of entire MSW not being done. From Transfer station 40% such waste is segregated. |
| 11. | Involve communities in waste management and | Involvement of communities in waste management and promotion of home | Community involvement in waste segregation has |

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| | promotion of home composting, bio-gas generation, decentralised processing of waste at community level as per Rule 15 (t) MSW Rules, 2016 | Composting, bio-gas generation, decentralized processing of waste at community level as per rule 15(t) MSW rule, 2016 is being already implemented through formation of policy for financial capital assistance, rebate in annual user charges, facilitated through mobitrash, however the same will be strengthened within 6 months. | increased but not significant. |
| 12. | To ensure setting up centres for collection, segregation and storage of segregated wastes are incorporated in building plan while granting approval of building plan of a group housing society or market complex as per Rule 15 (ze) MSW Rules, 2016. | Setting up of centers for collection, segregation and storage of segregated wastes, are incorporated in building plan while granting approval of building plan of a group housing society or market complex as per rule 15(ze) MSW rule, 2016 has been made mandatory and will be verified and monitored at regular intervals, | Very few such centres have been established. |
| 13. | To frame bye laws and prescribe criteria for levying | Public health bye-laws and prescribe criteria for levying of | Status as to its approval by State |

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| | spot fine for persons who litters or fails to comply with the provisions of these rules as per Rule 15 (zf) MSW Rules, 2016 | spot fine for persons who litters or fails to comply with the provisions of these rules as per rule 15(zf) MSW rule, 2016 has been prepared, approved by general board of SMC and forwarded to state government for their final approval. SMC is committed for implementation of this rules after the approval from State Government. | Government is not known. |
| 14. | To stop land filling or dumping of unprocessed and unsegregated MSW in SLF Cell No 1 and 2 Khajod Land Fill Site. | There shall be no Land filling or dumping of unprocessed and unsegregated MSW in SLF Cell at Khajod landfill site after 2 years <u>subject to 100% working of Solid Waste processing plants and success of source segregation of waste.</u> | There is dumping of Partly processed or inert unprocessed and unsegregated waste has almost stopped MSW in SLF Cells 1-2. But extension of cell no 1 has been done and some waste is disposed of in this extension. |
| 15. | To only dump non-usable, non-recyclable, non-bio-degradable, non-combustible and non-reactive | There shall be dumping of non-usable, non-recyclable, non bio degradable, non-combustible and non- | There is dumping of partly processed and partly unsegregated MSW in SLF Cells. |

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| | inert waste to go to Khajod Land Fill Site as per Rule 15 (zi) MSW Rules, 2016 | reactive inert waste to go to Khajod landfill site as per rule 15 (zi) MSW Rule, 2016 after 2 years <u>subject to 100% working of Solid Waste processing plant and success of source segregation of waste.</u> | |
| 16. | Setting up of a monitoring committee to oversee implementation and operation of waste processing plants/units at Khajod Land Fill Site involving local stakeholders. | Setting up a Monitoring Committee to oversee implementation and operation of waste processing plants/units at Khajod landfill site involving technical expert from reputed institutes would be done within 1 month. | Pursuant to the order passed by the Ld. NGT, monitoring committee was formed which held only 1 meeting between 2017 to 2025. SMC has not convened any meeting of the monitoring committee to ascertain the status of implementation till date. |
| 17. | To ensure implementation as per the timelines SMC to deposit a Bank Guarantee to NGT, Pune which should not be less than 100 crore. | Provide waiver regarding deposit a Bank Guarantee to NOT as desired by the applicant as being a government body, SMC is duty bound to comply with the provision of all applicable rules and acts. | As per order dated 02.07.2018, Rs 2 Crore bank Guarantee was to be submitted by SMC/R-4 for adhering to the timelines given by them. To ascertain if Bank Guarantee was submitted by R-4/SMC. If it was submitted then it |

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| | | | needs to be forfeited as timelines for implementation have not been followed. |
| 18. | To ensure continuation of Khajod Land Fill Site for its designated use and as per authorisation from GPCB and not to divert the land for another purposes. | To provide waiver regarding, below mentioned action point suggested by applicant, "ensure continuation of Khajod landfill site for its designated use and as per authorization from GPCB and not to divert the land for another purposes" Surat Municipal Corporation has already submitted requirement to the Collector, Surat_ for allotment of Land at Mandrel and Bhandut of Olpad taluka, Dist Surat, Also, it should be noted that part land of Khajod MSW site is also a part of KHUDA (Khajod Urban Development Authority) which is planning to develop Dream city project in a phased manner. | The entire MSW facility is planned and will be shifted at new place of UMBER Village. This condition is totally not complied. |
| 19. | Open burning should not be | That open burning should not be there | There was an incident of fire |

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| | there at any cost in 188 hector entire Khajod MSW site. Odour control measures to be undertaken | in the old dumps at MSW, site after completion of capping work. | burning on 14.02.2023 and information of its happening was conveyed to R-4/SMC. The copy of the email is annexed as Annexure-1 . |
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5. Submissions on the Affidavit of R-4/SMC dated 20.12.2022

- i. In response to Para 2a of the affidavit it is submitted that the legacy waste has been remediated.
- ii. In response to Para 2b of the affidavit it is submitted that there is no detail as regards to the utilization of RDF which is stated to be generated. The R-4/SMC ought to provide the details as regards to the cement plants to whom the RDF is being sent after its generated.
- iii. In response to Para 2c of the affidavit, the status as regards to the implementation of the project that R-4/SMC had executed a MoU with ICLEI.
- iv. In response to Para 2d of the affidavit, it is stated that the C&D waste is being managed as stated in the para under reply.

- v. In response to Para 2e of the affidavit, it is stated that the E-waste is being managed as stated in the para under reply.

Place: Pune

Date:01.04.2025

Filed By:-



(Shilpa Chohan, Shawahiq Siddiqui)
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**ANNEXURE-1**

MOHAMMAD SIDDIQUE <mshsheikh@gmail.com>

About major fire in Munisiple Solid Waste site at KHAJOD SURAT GUJARAT.**MSH SHEIKH** <mshsheikh@gmail.com>

Wed, Feb 15, 2023 at 4:49 PM

To: Secretary UDD Guj <securban@gujarat.gov.in>, commissioner@suratmunicipal.org, Addl CS Environment and Forest <secfed@gujarat.gov.in>, Collector Surat <collector-sur@gujarat.gov.in>, CPCB Chairman Delhi <ccb.cpcb@nic.in>

Respected Sir,

As an applicant in APPLICATION NO 81 OF 2014 (WZ) Kantha Vibhag Yuva Koli Samaj Parivartan Trust and Ors VERSUS State of Gujarat and Ors. pending before the Hon NGT WZ Pune after remand from Hon Supreme Court, I would like to inform you all respondent and authorities that the Major fire broke out at Municipal Solid Waste site yesterday afternoon. The fire has not yet been extinguished after the efforts of SMC from the last 24 hours and continued.

The video of the site and photographs are attached with your kind information. Kindly take serious note of the non compliances of various NG Tribunal orders and violations of MSW site Surat by SMC. Also kindly request to take necessary action to put out the fire and stop air pollution spreading vicinity and in Surat city.

Thanking you and hoping for action.

Yours faithfully

MSH Sheikh.

President.

Brackish Water Research Center.

Kasba Mohalla Mougul Street AT PO OLPAD 394540 Surat. Gujarat.

09825546017.

3 attachments**15-2-23 MSW.jpg**
50K**15 -2-23 MSW FIRE.jpg**
291K **VID-20230215-WA0020.mp4**
1549K