

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

Execution Application No. 11/2017

IN

O.A No.159/2013

(M.A. No. 1169/2018, M.A. No. 1715/2018 & M.A. No. 20/2019)

WITH

Original Application No. 77/2016
(I.A. No. 74/2019 & M.A. No. 204/2019)

IN THE MATTER OF:

All India Lokadhikar Sangathan

...Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

...Respondent(s)

WITH

M/s Ashok Vihar Mitra Mandel

...Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

...Respondent(s)

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New Delhi
Dated: 07.07.2020

Anuj Chaturvedi
Advocate
Ch.609, Block III,
High Court of Delhi,
New Delhi
(M):9810473166

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**UPDATED ACTION TAKEN REPORT REGARDING STEPS TAKEN AFTER
04.05.2020 WITH RESPECT TO SETTING UP OF TREATMENT, STORAGE &
DISPOSAL FACILITY (TSDF) BY DSIIDC**

MOST RESPECTFULLY SHOWETH:

1. That vide Order dated 20.03.2020 in above-captioned matters, the Hon'ble National Green Tribunal directed that an Action Taken Report be filed at email at 'judicial-ngt@gov.in'.
2. That in compliance of the same Report dated 04.05.2020 on Development of Treatment, Storage and Disposal Facility for Hazardous Waste at Bawana, Delhi, was filed by the Respondent filed vide e-mail dated 14.05.2020.

3. That this Report is in continuation of the aforesaid Report dated 4.05.2020 filed by DSIIDC vide 14.05.2020; Affidavit of Compliance dated 21.01.2020 filed by DSIIDC vide e-mail dated 12.03.2020; and also Report dated 15.11.2019 filed by Dy. Commissioner of Industries on behalf of Govt. of NCT of Delhi. That it is humbly requested that the said documents be read as a part and parcel of the instant Report. That for convenience of this Hon'ble Tribunal the Respondent humbly recapitulates the factual matrix.

FACTUAL MATRIX RELATING TO SETTING UP OF TSDF

4. That vide Order dated 30.03.2015, in the matter titled *Balam Singh Rawat vs. Govt. of NCT of Delhi and Ors.*, this Hon'ble Tribunal was pleased to direct that Respondent shall, in collaboration with Delhi Pollution Control Committee (hereinafter 'DPCC'), develop a Treatment, Storage and Disposal Facility (hereinafter 'TSDF') for due disposal of hazardous waste generated in Delhi.
5. That pursuant to the Order dated 30.03.2015 the North Delhi Municipal Corporation, on 13.05.2015, handed over the possession of 14 acres of land situated at Bawana, Delhi (hereinafter 'the land'), to the Department of Environment, GNCTD. That, subsequently, on 13.05.2015 itself, the said land was handed over to the Respondent DSIIDC for the development of the TSDF in terms of the Order dated 30.03.2015.
6. That on 17.08.2015 the Respondent engaged a consultant namely 'M/S Arcadis India (P) Ltd.' for providing consultancy services in the development of the TSDF. That after a detailed analysis the said consultant suggested the Respondent to develop the TSDF on 'PPP' basis, and on the lines of 'Build, Operate and Transfer' Model, for a period of 25 years.

7. That, consequently, after consultation with relevant stake holders such as DPCC, and the Department of Industries, GNCTD, the Respondent determined that the suggested model, as aforesaid, with 50% grant in aid in capital cost shall be most appropriate and feasible model for the said TSDF.
8. That on 09.02.2017 the DPCC recommended that the said TSDF be developed by the Respondent without an incinerator since the DPCC had already authorized 2 TSDF operators in Kanpur, Uttar Pradesh, for the treatment of the incinerable waste generated in Delhi.
9. That, accordingly, in tune with the said recommendation of DPCC the Respondent put forward before the Cabinet, GNCTD, the proposal for development of the said TSDF without an incinerator at Bawana, Delhi.
10. That on 20.06.2017 the Cabinet, GNCTD, referred the matter to a Group of Ministers ('GoM') consisting of Sh. Gopal Rai, Sh. Satyendar Jain and Sh. Kailash Gehlot, and charged the said GOM to inspect the said land and report the feasibility of such land, for the development of the said TSDF, to the Cabinet, GNCTD.
11. That on 11.07.2017 the said GOM inspected the said land, and reported that the said land was suitable for the development of the said TSDF.

12.That, subsequently, on 01.09.2017 the said proposal of the Respondent was placed before the Cabinet, GNCTD, and vide Cabinet decision no. 2502 dated 01.09.2017 the Cabinet, GNCTD was pleased to approve of the same. That, subsequently, the said decision of the Cabinet was also approved by the Hon'ble LG of Delhi.

13.That subsequent to the aforesaid approvals, the Respondent undertook steps for inviting Request for Proposal (hereinafter 'RFP') for the development of the said TSDF. That, however, on 23.11.2017 the Govt. of NCTD determined that the said TSDF shall be developed with an incinerator, and directed the Respondent to prepare a new, revised proposal for the same.

14.That, accordingly, in view of the said determination the Respondent duly revised the proposal for the said development of TSDF. That the said proposal was also revised to include the recommendations of DPCC and Department of Environment, GNCTD, with respect to provision of storage and disposal of domestic hazardous waste.

15.That to assist the Respondent in the said development DPCC agreed to sanction grant in aid towards 50% of the capital cost of the TSDF (with an incinerator) amounting to Rs. 10,00,00,000/- (Rupees Ten Crores Only). That, accordingly, vide sanction order dated 20.03.2018 the DPCC released a sum of Rs. 8.05 Crores to the Respondent, and has assured to release the balance amount.

- 16.**That, consequently, with an aim to avoid any further delay, on 12.12.2017 the Respondent invited the RFP for development of the said TSDF with incinerator, after taking the approval from Hon'ble Minister of Industries, GNCTD, subject to the condition that *ex post facto* approval shall be taken from the Cabinet, GNCTD, and the Hon'ble LG before the award of work.
- 17.**That 21.06.2018 the Cabinet, GNCTD, approved the proposal for the TSDF with incinerator, and the matter has been processed for the due approval of Hon'ble LG.
- 18.**That pursuant to the said RFP a single technical bid was received, and that on 05.02.2018 the said bid was opened by the Respondent. That, however, the said bid was duly rejected on account of it being a solitary bid.
- 19.**That on account of the failure of the first RFP the Respondent was constrained to re-invite the RFP in February' 2018 for the said development. That the second RFP saw the bidding by two bidders namely M/S Tamil Nadu Waste Management Ltd. & M/S SMS Ltd.
- 20.**That the technical evaluation of the said bids was conducted by the Respondent and on basis of the said evaluation the bid of M/S Tamil Nadu Waste Management Ltd. was rejected on the grounds that the same was not meeting the necessary technical specifications of the tender.

LITIGATION BY UNSUCCESSFUL PRIVATE PARTIES AGAINST DSIIDC

- 21.** That M/S Tamil Nadu Waste Management Ltd., being aggrieved, filed WP(C) 11544/2018 titled *M/S Tamil Nadu Waste Management Ltd. v. DSIIDC* before the Hon'ble High Court of Delhi against the said rejection of its bid.
- 22.** That vide Order dated 26.10.2018 the Hon'ble High Court was pleased to issue notice and also direct stay on the finalization of the award of work. That the Order dated 26.10.2018 is annexed herewith as **Annexure R-1**. That, thus, the Respondent was constrained to await the outcome of the said litigation, and, accordingly, could not award the work.
- 23.** That vide Order dated 19.11.2018 the Hon'ble High Court was pleased to dismiss the Writ Petition of M/S Tamil Nadu Waste Management Ltd. and, thus, vacated the stay on the finalization of the award of work. That the copy of Order dated 19.11.2018 is annexed herewith as **Annexure R-2**.
- 24.** That, subsequently, the bid of the other bidder namely M/S SMS Ltd. was scrutinized by the Respondent. That, however, the Board of Directors of the Respondent ordered a re-tendering for execution of the development of the said TSDF on account of the high capital cost as indicated by the said bidder; high tipping fee quoted by the said bidder in comparison to existing facilities; and also since M/S SMS Ltd. was the sole bidder left to carry out the said development. That, accordingly, on 26.12.2018 the Respondent, for the third time, re-invited tenders for development of the said TSDF.

25.That M/S SMS Ltd., being aggrieved, filed WP(C) 765/2019 titled *M/S SMS Ltd. v. DSIIIDC* before the Hon'ble High Court of Delhi against the said re-tendering (hereinafter 'the said Petition').

26.That vide Order dated 23.01.2019 the Hon'ble High Court of Delhi was pleased to issue notice; direct that M/S SMS Ltd. be permitted to participate in the fresh bidding; and direct that the Respondent was not to finalize, and award, the contract pursuant to the tender issued in December 2018 until further orders. That the copy of Order dated 23.01.2019 is annexed herewith as **Annexure R-3**.

27.That in the said re-tender the same two bidders participated namely M/S SMS Limited and M/S Tamil Nadu Waste Management Ltd. That on 01.02.2019 the technical bids of both the bidders were opened and both the bidders were found qualified for opening of financial bids. That, however, the same could not be done due to the stay granted by the Hon'ble High Court as aforesaid.

28.That vide Order dated 06.05.2019 the Hon'ble High Court was pleased to grant liberty to the Respondent to open the price bid of the tender issued in December'2018, and bring the result in a sealed cover to the Hon'ble Court. That the copy of Order dated 06.05.2019 is annexed herewith as **Annexure R-4**.

29.That, accordingly, on 10.05.2019 the Respondent opened the financial bids, and that the same were submitted to the Hon'ble Court in a sealed cover.

30. That *vide* Order dated 13.05.2019 the Hon'ble High Court deemed it appropriate to hear the matter on merits, and directed that the financial bid, which had been opened, be kept in a sealed cover till further orders. That the copy of Order dated 13.05.2019 is annexed herewith as **Annexure R-5**.

31. That *vide* Order dated 09.10.2019 the Hon'ble High Court was pleased to dismiss the said Petition holding that since the terms of the invitation to tender are not open to judicial scrutiny, the same being in the realm of contract, there was no justifiable reason to interfere in the matter in exercise of jurisdiction under Article 226 of the Constitution of India. That the copy of Order dated 09.10.2019 is annexed herewith as **Annexure R-6**.

SUBSEQUENT TO DISMISSAL OF LITIGATIONS AGAINST DSIIDC

32. That, subsequently, in view of the dismissal of the said writ as aforesaid, on 14.11.2019 DSIIDC opened the financial bids of the RFP, and that M/S Tamil Nadu Waste Management Ltd. ('TNWML') was found as the lowest bidder.

33. That, accordingly, on 30.11.2019 a Letter of Acceptance ('LOA') was issued to M/S TNWML for the work of development of TSDF. That a copy of the LOA is annexed herewith as **Annexure R-7**. That on 17.12.2019 the Letter of Commencement ('LOC') of work was issued to M/S TNWML. That a copy of the LOC is annexed herewith as **Annexure R-8**.

- 34.** That as per the terms and conditions of the Agreement executed between DSIIDC and TNWML the time for completion of work is 15 months after the award of work. That, however, in pursuance of Order dated 19.11.2019 M/S TNWML has been requested to complete the work by June 2020.
- 35.** That, subsequently, M/S TNWML submitted a proposal to Ministry of Environment, Forest & Climate Change (MoEF&CC) for seeking Terms of Reference in terms of provisions of the Environment Impact Assessment ('EIA') Notification, 2006 under the Environment (Protection) Act, 1986.
- 36.** That the said proposal of M/S TNWML for grant of Terms of Reference with respect to the work of 'Treatment, Storage and Disposal Facility' was considered by the Expert Appraisal Committee ('EAC') in its 47th meeting held during 26-27 December, 2019; and that on 06.01.2020 the said Terms of Reference were issued by the EAC. That a copy of the said Terms of Reference is annexed herewith as **Annexure R-9**.
- 37.** That on 26.02.2020 M/S Tamil Nadu Waste Management Limited (hereinafter 'the Project Proponent') forwarded the Draft EIA Report to DPCC for conducting Public Hearing for environmental clearance by the DPCC.
- 38.** Accordingly, DPCC fixed the Public Hearing for 09.04.2020 between 11:00 AM to 1:00 PM at the TSDF site, and the notice regarding the same was published in the leading daily newspapers namely, "Times of India", & "Dainik Jagaran", on 06.03.2020. That the copy of the clippings of said Public Notice is enclosed as **Annexure R-10 (COLLY)**.

IMPACT OF COVID-19 & LOCKDOWNS IMPOSED THEREAFTER

- 39.** That *vide* Order dated 24.03.2020 issued by National Disaster Management Authority (NDMA) and Order dated 24.03.2020 issued by Ministry of Home Affairs (MHA), Government of India, directed implementation of lockdown measures for ensuring social distancing so as to prevent the spread of COVID-19 for a period of 21 days with effect from 25.03.2020.
- 40.** That *vide* letter no: DPCC/WMC-II/TSDF/Bawana /PH/2020/3450-3452 dated 03.04.2020, the DPCC informed the Joint Secretary (Infrastructure), IA -III, Ministry of Environment, Forest & Climate Change, New Delhi the decision of Government of NCT of Delhi for cancellation of the said Public Hearing. That the copy of the letter dated 03.04.2020 is annexed as **Annexure R-11.**
- 41.** That, accordingly, the DPCC issued Public Notice dated 06.04.2020 in leading newspapers namely "Times of India", and "Dainik Jagaran", regarding cancellation of the said Public Hearing scheduled for 09.04.2020. That the copy of the clippings of Public Notice dated 06.04.2020 is annexed as **Annexure R-12.**
- 42.** That *vide* letter no: DPCC/WMC-II/TSDF/Bawana /PH/2020/3450-3452 dated 03.04.2020, the DPCC apprised the MoEF&CC about the Order dated 20.03.2020 whereby this Hon'ble Tribunal was pleased to direct the MoEF&CC to adopt a shortened timeline for grant of environmental clearance by using a special mechanism for dealing with the emergency situation so as to ensure that grant of EC is not delayed beyond 15.04.2020.

43.That vide the said letter, the DPCC also requested MoEF&CC to decide whether another date for Public Hearing was required to be given after the lockdown as notified was over, or DPPC should forward to MoEF&CC the suggestions/objections received by DPCC up to 09.04.2020 in response to public notice and the letters sent to various departments /authorities; while also forwarding a copy of the same to the Project Proponent.

44.That in the said letter, DPCC further stated that MoEF&CC may approach this Hon'ble Tribunal for extension of the time for completing the process of setting up of TSDF in case the MoEF&CC decides that another date of the Public Hearing is to be given.

45.That vide letter no. DSIIDC/SE(Env.)/TSDF dated 06.04.2020, DSIIDC requested the Joint Secretary, Ministry of Environment, Forest & Climate Change, to take appropriate decision in compliance with the directions of this Hon'ble Tribunal. That copy of letter dated 06.04.2020 is annexed as **Annexure R-13**.

46.That vide order no: 40-3/2020-DM-I(A) dated 15.04.2020 ,the Ministry of Home Affairs, Government of India, further extended the lockdown up to 03.05.2020 to contain the spread of COVID - 19 in the country. That it was only from 04.05.2020 that the officers of the Respondent could resume office with 33% staff, and it was only from 17.05.2020 that the entire staff of the Respondent was directed to resume office. That the said lockdown was eventually extended up to 31.05.2020.

47.That DPCC forwarded the online queries/clarifications received before 09.04.2020 to the Project Proponent; and on 27.04.2020 the Project Proponent submitted its response to the same to DSIIIDC. After the approval of DSIIIDC, the Project Proponent has submitted the reply to the queries/clarifications to DPCC on 29.04.2020 for further necessary action.

48.That *vide* letters dated 13.05.2020 & 11.06.2020 the DPCC again requested the MoEF&CC to convey its decision on whether another date for Public Hearing was required to be given after the lockdown as notified was over, or DPCC should forward to MoEF&CC the suggestions/objections received by DPCC up to 09.04.2020 in response to public notice and the letters sent to various departments /authorities; and also to explore the possibility of exclusion of said public hearing. That the copies of the letters dated 13.05.2020 & 11.06.2020 are annexed herewith as **Annexure R-14 (COLLY).**

49.That *vide* letter dated 23.06.2020 the MOEF&CC emphasized that the requirement of the public hearing for any developmental project could not be dispensed with; however, in view of Unlock-1 the MOEF&CC was pleased to direct DPCC to carry out the said public hearing whilst taking precaution with respect to COVID-19. That the letter dated 23.06.2020 is annexed herewith as **Annexure R-15.**

50.That *vide* letter no: DPCC/WMC-II/TSDF/Bawana /PH/2020/3754-3756 dated 24.06.2020, DPCC was pleased to schedule the said public hearing for 14.07.2020. That the letter dated 24.06.2020 is annexed herewith as **Annexure R-16.**

51.That, accordingly, on 26.06.2020 the DPCC was pleased to issue public notices regarding the same in leading daily newspapers namely "Times of India" & "Dainik Jagaran". That the copy of the clippings of said Public Notices is enclosed as **Annexure R-17 (COLLY)**.

52.That it is humbly, and most respectfully submitted, that COVID-19 played an instrumental role in the delay occasioned in the setting up of the TSDF inasmuch the lockdown imposed in view of COVID-19 brought the progress on the TSDF to a complete standstill. That due to the said lockdown the public hearing mandated under the Environment Protection Act could not materialize and, thus, the same had to be cancelled.

53.That the same caused substantial, *bona fide*, delay in the setting up of the TSDF. That the said delay was, thus, occasioned due to factors and reasons beyond the control of the Respondent.

54.That the delay in said setting up was also caused due to *ad-interim* stay orders passed by the Hon'ble High Court of Delhi in tortuous litigations by private parties against the Respondent wherein the lawful actions of the Respondent were challenged as being arbitrary and illegal.

55.That the Respondent was vindicated by the Hon'ble High Court of Delhi inasmuch the said litigations were disposed of by the Hon'ble High Court of Delhi upholding the actions of the Respondent as lawful; and, thus, the said litigations were not occasioned due to any illegal, arbitrary or *mala fide* action of the Respondent.

56. That subsequent to the end of said litigations and the said Lockdowns the Respondent has achieved good progress in the process of setting up of the said TSDF. That, since the Orders passed by the Hon'ble Tribunal, the Respondent has discharged all its obligations pertaining to the setting up of the TSDF, and as of now the instant matter rests in the hands of authorities other than the Respondent.

57. That the Respondent assures this Hon'ble Tribunal of expeditious completion of the TSDF project without any delay once the said Public Hearing process is completed and the necessary environmental clearance is granted.

58. That the Respondent has always acted in *bona fide* and as per the directions of this Hon'ble Tribunal; and shall always endeavor to comply in letter & spirit the directions of this Hon'ble Tribunal.

59. That the said action taken report is placed before Hon'ble Tribunal for its kind consideration, and for such further directions that this Hon'ble Tribunal may deem fit to pass in the facts and circumstances.

New Delhi

Dated: 07/07/2020


07/07/2020
RESPONDENT DSIIDC

Er. R. V. MAHTO
Executive Engineer (Elect.)
DSIIDC, Tech. Centre Building
Wazirpur Indl. Area, Delhi-52

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11544/2018

M/S TAMIL NADU WASTE MANAGEMENT LTD. Petitioner

Through: Mr.Raj Shekhar Rao,
Mr.Matrugupta Mishra &
Ms.Aastha Chawla, Advocates

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD (DSIIDC) Respondent

Through: Ms.Anusuya Salwan, Ms.Nikita
Salwan & Ms.Shreya Sharma,
Advocates

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.10.2018**

CM Appl.44677/2018 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

W.P.(C) 11544/2018 & CM Appl.44676/2018 (*stay*)

Issue notice. Ms.Anusuya Salwan accepts notice.

List on 31st October, 2018.

Till the next date of hearing, award of tender shall not be finalised.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

OCTOBER 26, 2018

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ANNEXURE R2

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 19.11.2018

+ **W.P.(C) 11544/2018 & CM Appl. Nos. 44676-44677/2018**

M/S TAMIL NADU WASTE MANAGEMENT LTD.

..... Petitioner

Through: Mr. Raj Shekhar Rao, Mr.
Matrugupta Mishra, Ms. Aastha
Chawla & Mr. Karthik Sunder
Advocates

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD (DSIIDC)

..... Respondents

Through: Ms. Anusuya Salwan & Ms.
Nikita Salwan, Advocates

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

MR. JUSTICE PRATEEK JALAN (OPEN COURT)

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1. This writ petition concerns a Notice Inviting Tenders (*NIT No. 2/17-18*) issued by the Respondent for “Development of Treatment, Storage and Disposal Facility for Hazardous Waste on Build, Own, Transfer basis at Bawana, Delhi” (hereafter, “the NIT”). The Petitioner is aggrieved by the rejection of its bid on the ground that it has not complied with the technical specifications of the tender.

2. The undisputed facts are these: The NIT was issued in February 2018. The petitioner and one other party responded, and technical bids

were opened on March 7, 2018. Certain clarifications were sought by the Respondent by a letter dated April 13, 2018, to which the Petitioner responded on April 17, 2018. By a letter dated June 27, 2018, the Respondent informed the Petitioner that an Evaluation Committee had been constituted and invited the Petitioner to make a power point presentation of its technical proposal before the Evaluation Committee on July 2, 2018. The presentation was thereafter rescheduled by a letter dated August 3, 2018, and in fact took place on August 7, 2018. The other bidder, viz. SMS Ltd., also made a presentation to the Technical Evaluation Committee. The Petitioner states that it was verbally informed on September 27, 2018 regarding the rejection of its technical bid, against which it made representations to the Respondent. However, a Tender Summary Report was uploaded on the website (where the e-tender was hosted) on October 18, 2018 stating that the Petitioner had not complied with the technical specifications of the tender. It is in these circumstances that the present Writ Petition has been filed.

3. Mr. Raj Shekhar Rao, learned counsel for the Petitioner submitted that rejection of the Petitioner's bid has led to a single bidder being treated as responsive, and the Petitioner has not even been informed of the reasons. He contented that the bid documents permitted the Respondent to evaluate the technical bid only on the grounds contained therein and the Respondent was neither entitled to call for presentations from the bidders after opening the technical bids, nor was it permitted to reject the bids on grounds other than those mentioned in the tender conditions.

4. Ms. Anusuya Salwan, learned counsel for the Respondent, on the other hand, submitted that the bid of the Petitioner had been found unsuitable on evaluation by the duly constituted committee, as contemplated by the NIT. She referred in particular to Clauses 3.1, 3.3.6, 3.3.7 and Appendix X of the NIT. Ms. Salwan submitted that the technical evaluation of an expert committee ought not to be interfered with by the Court under Article 226 of the Constitution. She also placed the original record of the Respondent before us.

5. The relevant Clauses of the NIT are set out below:-

“3.1 Opening of the Bids

3.1.1 An Evaluation Committee, constituted by DSIIDC will open Technical Bids as per scheduled date and time in the presence of the Bidders who choose to attend.

3.1.2 The Evaluation Committee will subsequently examine and evaluate the Bids in accordance with the provisions set out in this Section 3.

3.1.3 To facilitate evaluation of Bids, DSIIDC may, at its sole discretion, seek clarification in writing from any Bidder regarding its Bid and such Bidder shall provide its response in writing within the time period specified by DSIIDC in this regard.

3.1.4 In the event DSIIDC receives only one Bid, it may at its sole discretion open and evaluate such Bid, reject it, cancel the Bidding Process or launch a new bidding process.

.....

“3.3.6 The Technical Bids shall contain all the elements described in Appendix XI. If a Bidder does not provide all the elements requested under Appendix XI in its Technical Bid, then its Technical Bid shall be declared not eligible by DSIIDC and shall be rejected. A Bidder whose Technical Bid has been declared not eligible by DSIIDC shall be disqualified from the Bidding Process

and its Bid Security shall be returned as per Clause 2.16.3

3.3.7 The Evaluation Committee shall review complaint Technical Bids and apply the evaluation criteria set out in Appendix XI to determine whether the Technical Bids pass or fail the conditions of such Appendix XI.”

6. Ms. Salwan submitted that reference to “Appendix XI” in Clauses 3.3.6 and 3.3.7 should be read as “Appendix X”, which provides the format of the technical bid. Appendix X provides *inter alia* that the bidder must provide the technical approach and methodology it proposes to employ. The following parameters of evaluation, alongwith the weightage attributed to each and the respective criteria for evaluation, are set out therein:-

- 1. Technical Plan for Construction of the TSDF including secured landfill and incinerator for hazardous waste (35marks)*
- 2. Operation & Maintenance Plan (35marks)*
- 3. Organization & Staffing (15marks)*
- 4. Environment Health & Safety Policy and Practice (15marks).*

It is also provided in Appendix X as follows:-

“A Bidder shall have to score at least 70% against each and every parameter in order to qualify for the opening of the Financial Proposal.”

7. It is evident that the NIT specifically provided for a Technical Evaluation Committee and also for clarifications to be sought by the Respondent to facilitate the evaluation of the bids. By its letters dated June 27, 2018 and August 03, 2018, the Respondent invited the Petitioner to make a power point presentation of the technical proposal

submitted by it before the Evaluation Committee. We are of the view that such a course was very much open to the Respondent. In a complex contract such as the present one, the Respondent could reasonably decide that a power point presentation which explains the bidder's technical proposal, would be the most effective way of seeking the required clarifications and reaching an informed decision. In any event, the Petitioner participated in this process without demur, and we are not inclined to accept its belated protest on this score.

8. Similarly, we are also unable to accept the Petitioner's argument that the technical evaluation of the bid ought to have been concluded only on the bid documents submitted, and without reference to the presentations made by the bidders. It is clear from the letters dated June 27, 2018 and August 03, 2018 referred to above, that the presentations were required to be in line with the technical proposal already submitted by the bidder, and that the purpose of the presentation was to enable evaluation of the technical bids. Having called for such presentations, it would in fact have been perverse for the Respondent to have ignored them altogether.

9. We have also examined the original records of the Respondent placed by Ms. Salwan and find a detailed appraisal of the technical proposals of both the bidders by the Technical Evaluation Committee on August 07, 2018, i.e. the date on which the presentations were made. The committee has pointed out several deficiencies in the Petitioner's proposals including inter alia the following:-

“Remarks

- *Layout Orientation of the plant found incorrect.*

- *Landfill has been designed over the existing natural escape drain.*
- *Existing natural escape drain has been diverted without considering land requirements and statutory clearances to be obtained which may affect the implementation plan.*
- *Detailed area allocation statement not provided.*
- *The implementation plan does not include the timeline for obtaining Statutory approval from concerned authorities in relation to construction below High Tension lines.*
- *Calculation and methodology for the operation not shown.*
- *Nothing mentioned about Material Balance sheet for the plant.*
- *Qualification of manpower at every section not provided.*
- *Details about leachate likely to be generated and its treatment not provided.*
- *No information about sewage generation and treatment provided.*
- *Surface runoff treatment plan not given.”*

10. Consequently, the committee has awarded only 48 marks out of 100 to the Petitioner's technical proposal whereas the other bidder (M/s SMS Ltd.) has been awarded 79 marks out of 100. The Petitioner failed to score the minimum qualifying score of 70% against each of the stipulated criteria. The deficiencies identified by the Technical Committee upon which the Respondent has based its decision do not appear to be arbitrary or perverse in a sense that would justify the intervention of the Court. To sit in review over the merits of a technical evaluation is entirely beyond the realm of the Court's

jurisdiction in such cases, and Mr. Rao very rightly did not invite us to do so.

11. For the reasons aforesaid, we see no reason to interfere with the impugned decision of the Respondent. The writ petition is dismissed, but without any order as to costs.

PRATEEK JALAN
(JUDGE)

S. RAVINDRA BHAT
(JUDGE)

NOVEMBER 19, 2018

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नास्त्यमेव जयते

ANNEXURE R3

\$~75

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + W.P.(C) 765/2019, C.M. APPL.3325-3326/2019

SMS LIMITED

..... Petitioner

Through : Sh. Ashish Dholakia, Sh. Anikit Mangla
 and Ms. Surbhi Sharma, Advocates.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE
 DEVELOPMENT CORPORATION LTD Respondent

Through : Ms. Nikita Salwan, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

23.01.2019

Issue notice. Ms. Nikita Salwan, Advocate accepts notice.

The respondent/DSIIDC's notice invited tenders (NIT) for development of treatment, storage and disposal facility for hazardous waste. Its bid submitted in March 2018 was deemed compliant and acceptable as of October, 2018.

However, it is further contended that till date, the bid has not been rejected. Learned counsel relied upon clause 3.7 of the said NIT issued in March 2018, to the following effect:

“3.7 Contacts during Bid evaluation

Bids shall be deemed to be under consideration immediately after they are opened and until such time DSIIDC makes official intimation of award/rejection to the Bidders. While the Bids are under consideration,

Bidders and/or their representatives or other interested parties are advised to refrain, save and except as required under the Bidding Documents, from contacting by any means, DSIIDC and/or their employees/representatives/advisors on matters related to the Bids under consideration.”

It is submitted that the impugned tender/NIT issued in December 2018 is arbitrary inasmuch as that even though the petitioner was deemed complaint and its bid acceptable, a fresh bidding has ensued to its prejudice in this regard.

This Court is of the opinion that in the circumstances, the petitioner should, without prejudice to its rights, be permitted to participate in the fresh bidding/NIT process provided it prefers to do so, within the time given in that regard in the fresh NIT.

The respondent DSIIDC is, in the circumstances, directed not to finalise and award the contract pursuant to the NIT/tender issued in December 2018 till the next date of hearing. The respondent shall ensure that the original records pertaining to the evaluation of the tender/NIT of February 2018 as well as the office notings and documents pertaining to the decision to issue or publish a fresh tender for the same work during the pendency of the earlier NIT without indicating a final decision, are produced in the Court on the next date of hearing. List on 20.02.2019.

S. RAVINDRA BHAT, J

PRATEEK JALAN, J

JANUARY 23, 2019/AJK

\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 765/2019
SMS LIMITED

..... Petitioner

Through Mr. Ashish Dholakia, Mr. Sandeep Das,
Mr. Gautam Bajaj & Mr. Surbhi Sharma,
Advocates.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD

..... Respondent

Through Mr. Sanjay Jain, Sr. Advocate with Mr.
Vinod Diwakar, Mr. Yuvraj Sharma, Ms.
Radhika Roy & Mr. Sayandeep Pahari,
Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **06.05.2019**

CM APPL 3326/2019 (exemption)

Exemption is allowed subject to just exceptions.

Application stands disposed of.

W.P.(C) 765/2019, CM APPL. 3325/2019 & 9569/2019

We are informed by Mr. Jain, learned senior counsel for the respondent that there are only two successful tenderers in the bid arising out of an advertisement dated 18.12.2018. We may note that by an order dated 23.01.2019, the respondent was directed not to finalise and award the contract pursuant to NIT/tender, till this interim order continues. We grant liberty to the respondent to open price bid and bring the result in a sealed cover to this Court. Needless to say that in case the petitioner is successful, this petition would

become infructuous and if not, the matter would be heard on merits.

List on 13.05.2019.

G.S.SISTANI, J

JYOTI SINGH, J

MAY 06, 2019/ck/

W.P.(C) 765/2019

\$~14

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 765/2019, C.M.3325/2019 & 9569/2019

SMS LIMITED

..... Petitioner

Through: Mr.Ashish Dholakia, Mr.Sandeep Das,
Mr.Rohan Chawla and
Ms.Surbhi Sharma, Advocates.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD.

..... Respondent

Through: Mr.Vinod Diwakar, CGSC with
Mr.Sayandeep Pahari and Ms.Radhika
Roy, Advocates

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

13.05.2019

Mr.Dholakia has handed over a copy of an e-mail dated 10.05.2019 in Court. He submits that the e-mail speaks volumes about the conduct and manner, in which the tendering process has been undertaken. He further contends that the respondents vide e-mail dated 10.05.2019 at 16:05 informed the petitioner about the acceptance of his tender and invited the petitioner to participate in the financial bid scheduled at 4.10 p.m. on the same day i.e. 10.05.2019. He relies on paras 6, 8, 9 and 10 of *Haffkine Bio-Pharmaceutical Corporation Limited, A Government of Maharashtra Undertaking Through Manager vs. Nirlac Chemicals Through its Manager and Others*, and batch matters reported at (2018) 12 SCC 790 in support of his contention that the tenders are to be opened in the presence of the representatives of the bidders. Mr.Diwakar, counsel for the petitioner submits that the respondents are willing

to give sufficient notice to both the parties and open the bid in their presence. Mr.Dholakia is apprehensive of the offer as he submits that bid has already been opened once. We may note that we had, in our previous order dated 06.05.2019, directed opening of the financial bid for the reason that in case, offer of the petitioner was not found eligible, the scope of this writ petition would become narrower. However, we deem it appropriate to hear the matter on merits. Financial bid, which had been opened, has already been kept in a sealed cover. Let the same be kept in a sealed cover till further orders.

List on 22.05.2019.

G.S.SISTANI, J

JYOTI SINGH, J

MAY 13, 2019

rb /

W.P.(C) 765/2019

ANNEXURE R6

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Judgment : 9th October, 2019*+ W.P.(C) 765/2019, CM APPLs. 3325/2019 (stay), 9569/2019
(vacation) & 31289/2019 (impleadment)

SMS LIMITED

..... Petitioner

Through: Mr.Ashish Dholakia, Mr.Sandeep
Das, Ms.Arushi Mishra & Mr.Asif,
Advts.

versus

DELHI STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD.

..... Respondent

Through: Ms.Anusuya Salwan, Ms.Shreya
Sharma, Ms.Nikita Salwan and
Mr.Ayush Srivastava, Advts. for
respondent.
Mr.Rajshekar Rao, Mr.Matrugupta
Mishra, Mr.Omar Waziri and
Mr.Karthik Sundar, Advts. for the
intervenor/Tamil Nadu Waste
Management in C.M.31289/2019**HON'BLE MR. JUSTICE G.S.SISTANI****HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI****G.S. SISTANI, J. (ORAL)**

1. With the consent of the parties, this writ petition is set down for final hearing and disposal at the admission stage itself.
2. The necessary facts required to be noticed for disposal of this petition are that a notice bearing RFP no. 2/17-18 (Tender ID: 2017_DSIDC_141733_1) inviting bids for Development of Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste on Build, Operate and Transfer (BOT) basis at Bawana in Delhi was issued by the Delhi State Industrial and Infrastructure Development Corporation Limited (DSIIDC), the respondent, in the month of December, 2017.

The last date for submission of the bid was 08.01.2018. Admittedly, the petitioner was the only bidder.

3. A corrigendum was subsequently released stating that NIT having RFP no. 2/17-18 (Tender ID: 2017_DSIDC_141733_1) is cancelled and the RFP for the work would be re-invited. This corrigendum was issued on 16.02.2018 and a second call for NIT having RFP no. 2/17-18 (Tender ID: 2017_DSIDC_141733_1) was issued. The technical bid under the second NIT was opened on 07.03.2018; whereupon a notice was issued on 27.06.2018 asking the petitioner to make a power-point presentation for the technical proposal on 02.07.2018 at the office of the respondent. The financial bid of the petitioner was opened on 18.10.2018.
4. Thereafter, a tender summary report was uploaded on the e-tendering system of the Government of NCT of Delhi on 18.10.2018 confirming the acceptance for the technical bid made by the petitioner and rejection of the bid made by Tamil Nadu Waste Management Limited (TNWML), who was the second bidder. Subsequently the tender summary report uploaded stated that the financial bid of the petitioner had also been accepted on 22.10.2018.
5. Meanwhile, aggrieved by the decision of the respondent, TNWML filed a writ petition being W.P.(C) No. 11544/2018 in the Delhi High Court wherein this court, vide order dated 19.11.2018, decided not to interfere with the decision of the Respondent regarding rejection of TNWML's bid.
6. A notice of meeting was later sent to the respondent on 01.12.2018, scheduling a meeting on 04.12.2018 at 11 a.m. for negotiation of the 'tipping fee' quoted by the petitioner. On 04.12.2018, a letter regarding

negotiation of tipping fee was sent by the petitioner to the respondent, submitting its final rates after negotiation.

7. A third/fresh tender was however invited by the respondent in December, 2018 for the same purpose, for which the last date for submission of bid was 28.01.2019. Without prejudice to its rights and contentions arising from the earlier tender, the petitioner participated in the third tender as well, as by this point of time, the present writ petition had been filed and permission had been granted to the petitioner to participate as is seen from order dated 23.01.2019, the operative part of which reads as under:

“It is submitted that the impugned tender/NIT issued in December 2018 is arbitrary inasmuch as that even though the petitioner was deemed complaint and its bid acceptable, a fresh bidding has ensued to its prejudice in this regard.

This Court is of the opinion that in the circumstances, the petitioner should, without prejudice to its rights, be permitted to participate in the fresh bidding/NIT process provided it prefers to do so, within the time given in that regard in the fresh NIT.

The respondent DSIIDC is, in the circumstances, directed not to finalise and award the contract pursuant to the NIT/tender issued in December 2018 till the next date of hearing. The respondent shall ensure that the original records pertaining to the evaluation of the tender/NIT of February 2018 as well as the office notings and documents pertaining to the decision to issue or publish a fresh tender for the same work during the pendency of the earlier NIT without indicating a final decision, are produced in the Court on the next date of hearing. List on 20.02.2019.”

8. Pursuant to the directions contained in order dated 23.01.2019, the results of the third tender have been brought to Court in a sealed cover which we have not opened till this point of time. Mr. Ashish Dholakia, learned

counsel for the petitioner submits that the petitioner was the successful bidder; and in this context, Mr. Dholakia has placed strong reliance on a document dated 22.10.2018 to buttress his arguments that the final bid of the petitioner stood accepted and the status was uploaded on the website on 22.10.2018, which is reproduced below:

Bids List							
S.No	Packet Type	Bidder Number	Bidder Name	Submitted Date	Status	Reason	Status Updated On
1	Finance	811764	SMS LIMITED	07-Mar-2018 11:54 AM	Accepted-Finance		22-Oct-2018 01:35 PM

9. The petitioner was called for negotiations and a letter was also sent to the respondent on 04.12.2018 as regards the final rates of tipping fee negotiated between the parties.
10. Learned counsel submits that once the final bid of the petitioner was opened and it came into the public domain, re-tendering would cause serious prejudice to the petitioner as his financial bid would be available to all bidders/competitors. Thus TNWML would be at an unfair advantage as they would have knowledge of the rates that the petitioner has quoted. Moreover, the petitioner's quotation already stood accepted, as is evident from document dated 22.10.2018, which is undisputed.
11. Mr. Dholakia has strongly urged before us that post 22.10.2018, the respondents made every effort to somehow cancel the tender to avoid granting of the contract to the petitioner. It is submitted that the report of the consultant has also been completely ignored, which shows that the petitioner's bid was highly reasonable in light of the nature of work which was to be performed. He further submits that the reasons that have been recorded to justify the cancellation are arbitrary and fanciful; and have been cited solely to accommodate TNWML and somehow not

award the tender to the petitioner. Mr. Dholakia has drawn the attention of the Court to tender condition No.3.7 in support of his submission that post 22.10.2018 as well as in December 2018, when the third tender was issued, the bid of the petitioner must be deemed to be “under consideration”. Clause 3.7 reads as under:

“3.7 Contacts during Bid evaluation

Bids shall be deemed to be under consideration immediately after they are opened and until such time DSIIDC makes official intimation of award/rejection to the Bidders. While the Bids are under consideration, Bidders and/or their representatives or other interested parties are advised to refrain, save and except as required under the Bidding Documents, from contacting by any means, DSIIDC and/or their employees/representatives/advisors on matters related to the Bids under consideration.”

12. Mr. Dholakia has also placed reliance on clause 2.16.3 to contend that in case the intent of the respondent was to cancel the bid, the same was not evident even from the fact that the bid security was not returned to the petitioner. Clause 2.16.3 of the tender is reproduced below:

“2.16.3 The Bid Security of unsuccessful Bidders will be returned by DSIIDC without any interest, as promptly as possible after execution of the Concession Agreement with the Concessionaire or when the Bidding Process is cancelled by DSIIDC.

The Successful Bidder's Bid Security will be returned, without any interest, upon the Concessionaire signing the Concession Agreement and furnishing a performance security of an amount of Rs.1.00 Crore(Rupees One Crore only) (the "Performance Security") as per Schedule - G of the Draft Concession Agreement.”

However, post the filing of this writ petition and without taking leave of the Court, the bid security amount has been deposited in the account of the petitioner. In short, Mr. Dholakia contends while on the one hand the bid of

the petitioner was under active consideration; on the other hand, a third bid was invited for no justifiable reason.

13. Learned counsel for the petitioner has also referred to the additional affidavit filed by the respondent, wherein note-sheets have also been annexed to justify the action to invite a fresh bid. Mr. Dholakia submits that the chart which has been prepared to show that the rates of the petitioner are higher in comparison to the rates quoted for other States is factually incorrect. Learned counsel has also drawn the attention of the Court to the opinion of the consultant as well as to clause 12.5, which read as under:

“236. Further it is stated that total financial effect works out to Rs.2,70,99,520/- against the estimated cost of Rs.2,63,36,800/- which is 2.89 % above the estimated cost and 6.35% below the justified rates amounting to Rs.2,88,69,949/-.”

“12 FINANCIAL FEASIBILITY

12.5 Tariffs at Other Similar Facilities in India

A review of the tipping fees at some of the operational facilities in India was done to get an estimate of the market. The scale of most of the facilities reviewed was much higher than the current facility planned for Delhi and may not be comparable on direct scale.

The tariff charged by the Hazardous Waste facility in Pali (Haryana) for treatment and disposal are projected by the following range:

- Direct Landfill : Rs.1500-2000 per metric tonne;
- Stabilization/solidification followed by landfilling : Rs.5000 to Rs.20000 per metric tonne;
- Incineration : Rs.15,000 – Rs.20,000 per metric tonne.

The pricing structure for the hazardous waste management at Hyderabad are as under:

- Direct Landfill Rs.1500 per metric tonne depending on waste quantities;

- Stabilisation followed by landfill: Cost of landfill + Bulking Factor + cost of stabilisation reagents + Rs. 180 per metric tonne re-handling expenses;
- Incineration of; wastes: Rs. 15 to Rs. 45 per kg of waste depending on characteristics of wastes, such as heat value, halogen content etc.

The pricing structure for the hazardous waste facility at Kanpur Dehat is provided in the following section

- Direct landfilling: Rs.2000-Rs.15000
- Incineration charges : Rs.15000 – Rs.50000

It was observed that most of the facilities have direct landfill rates in the range of Rs 1500-2500 per tonne, the cost for treatment cum landfill was primarily dependent of the type of treatment provided to the waste and ranges between Rs 5000 - Rs.10000 per tonne and cost of incineration was in the range of Rs 15000 - Rs 50000 per tonne. The cost of incineration of waste is much higher due to high fuel and equipment cost.”

14. Mr. Dholakia contends that the report of the consultant could not have been ignored by the respondent since surely, the consultant is an expert in his field; and that comparison of unequals is no comparison in the eyes of law and that therefore the tariffs cited from other places are irrelevant.
15. Mr. Dholakia further submits that the note-sheet sought to be relied upon by the respondent does not portray the correct picture because while preparing the note-sheets the project report rendered by experts has not been taken into account; and the said report should be the deciding factor since it is a report of an expert body. It is also contended that the justification sought to be given for cancellation of the tender is in fact arbitrary and fanciful; and has only been done with a view to deprive the petitioner of being awarded the tender.

16. Ms. Anusuya Salwan, learned counsel for the respondent submits that the apprehension of the petitioner and the allegations of mala fides and favoritism towards TNWML are not borne-out from the record; and that they are even otherwise false. It is contended that in case the respondent was in favour of TNWML, the respondent would not have opposed the writ petition filed by TNWML and contested the same tooth-and-nail. Secondly, it is contended that all the note-sheets filed along with the affidavit indicate the thought process of the respondent and detailed reasons for inviting a third tender for the work in question. It is submitted that the intent, purpose and objective of inviting the third bid was to seek lower rates as the rates quoted by the petitioner were on the higher side in comparison to similar kind of work performed in Pali (Haryana), Hyderabad and Kanpur-Dehat. Strong reliance is placed on the chart provided in the note-sheet which we reproduce below:

Sl. No.	Particulars	As per Estimate (in Rs.)	Quoted rates after negotiation (in Rs.)	Pali (Haryana)	Hyderabad	Kanpur Dehat
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Direct Landfill	2800 Per MT	3800 Per MT	Rs. 1500-2000 Per MT	Rs. 1500 Per MT	Rs. 2000-15000 Per MT
2	Treatment and then landfill	11200 Per MT	8260 Per MT	Rs. 5000 to Rs. 20000 Per MT	-----	-----
3	Incineration and then landfill	28000 Per MT	33040 Per MT	Rs. 15000 to Rs. 20000 Per MT	Rs. 15000 to Rs. 45000 Per MT	Rs. 15000 to Rs. 50000 Per MT

17. Ms. Salwan also contends that the capital cost in case of the petitioner is approximately Rs.32,21,92,000/- ; and as per the report rendered by the experts, the cost should be around Rs. 22 crores, whereby it is apparent that the capital cost quoted by the petitioner is almost 30% higher than the cost estimated by the experts, which, according to Ms. Salwan, would

be compensated somewhere in the amounts bid on other counts. It is contended that a careful reading of the note-sheets of the respondent, which have been placed on record; and the reasons that were accepted by the Board in the minutes of its 280th meeting on 19.12.2018, would leave no doubt that the action of the respondent is in public interest and in the best interests of the respondent.

18. Mr. Dholakia clarifies that the capital cost of the project is not relevant; and thus, reliance placed on the capital cost is misplaced; and that the final negotiated tipping fee had been accepted and agreed to by the respondent. Mr. Dholakia has placed reliance on W.P.(C) Nos.4296/2016 & 6314/2016 dated 22.08.2016 titled as ***Orion Security Solutions Pvt. Ltd. vs. Govt. of NCT of Delhi & Ors.*** more particularly, paragraphs 33 and 34, which are reproduced as under:

“33. In any public contract, the decision is required to be an informed decision and it should not be arbitrary, illegal or based on irrelevant considerations. If the decision is based on irrelevant consideration or it overlooks relevant considerations, it has necessarily to be termed as arbitrary.

34. In a publicized government contract, it is always expected that the lowest bid would be accepted, a possible exception being, its commercial un-viability. An agency inviting tender has the discretion to accept or reject the tenders which includes the right to reject even a lowest tenderer, but such decision has to be based on objective considerations relatable to the requirements in the tender notice and the contract requirements to be performed. It would only be a repetition of sorts regarding the requirement of the state, in all circumstances, to act in an objective, fair and reasonable manner...”

19. Reliance is also placed on ***Union of India vs. Dinesh Engineering Corporation & Anr.*** reported at (2001) 8 SCC 491, paragraph 15 and 16 of which are reproduced hereinunder:

“15. Coming to the second question involved in these appeals, namely, the rejection of the tender of the writ petitioner, it was argued on behalf of the appellants that the Railways under clause 16 of the Guidelines was entitled to reject any tender offer without assigning any reasons and it also has the power to accept or not to accept the lowest offer. We do not dispute this power provided the same is exercised within the realm of the object for which this clause is incorporated. This does not give an arbitrary power to the Railways to reject the bid offered by a party merely because it has that power. This is a power which can be exercised on the existence of certain conditions which in the opinion of the Railways are not in the interest of the Railways to accept the offer.....

16. But then as has been held by this Court in the very same judgment that a public authority even in contractual matters should not have unfettered discretion and in contracts having commercial element even though some extra discretion is to be conceded in such authorities, they are bound to follow the norms recognised by courts while dealing with public property. This requirement is necessary to avoid unreasonable and arbitrary decisions being taken by public authorities whose actions are amenable to judicial review. Therefore, merely because the authority has certain elbow room available for use of discretion in accepting offer in contracts, the same will have to be done within the four corners of the requirements of law, especially Article 14 of the Constitution.....”

20. Ms. Salwan, learned counsel for the respondent has further placed strong reliance on the note-sheets and the Minutes of the Meeting of the Board of Directors to justify the action of the respondent in cancelling the bid. She has also placed reliance on clause 2.12 of the tender condition, which we reproduce below:

“2.12 Rejection of Bids: Notwithstanding anything contained in this RFP, DSIIDC reserves the right to reject any Bid and to annul the Bidding Process and reject all Bids at any time without

any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons therefore. In the event that DSIIDC rejects or annuls all the Bids, it may, in its discretion, invite all eligible Bidders to submit fresh Bids hereunder.”

21. We have heard learned counsel for the parties and have considered their rival contentions.
22. The short question which arises for our consideration is as to whether the cancellation of the second tender was done for justifiable reasons or not. The law with regard to dealing with the matters pertaining to tenders is well-settled. The court is not to analyze the decision but only the process employed in arriving at the decision. Judicial intervention is only called for in cases where the action is completely arbitrary or without any basis. The Supreme Court in ***Silppi Constructions Contractors vs Union of India*** reported at 2019 SCC OnLine SC 1133 has held as under:

“19. This Court being the guardian of fundamental rights is duty bound to interfere when there is arbitrariness, irrationality, mala fides and bias. However, this Court in all the aforesaid decisions has cautioned time and again that courts should exercise a lot of restraint while exercising their powers of judicial review in contractual or commercial matters. This Court is normally loathe to interfere in contractual matters unless a clear-cut case of arbitrariness or mala fides or bias or irrationality is made out. One must remember that today many public sector undertakings compete with the private industry. The contracts entered into between private parties are not subject to scrutiny under writ jurisdiction. No doubt, the bodies which are State within the meaning of Article 12 of the Constitution are bound to act fairly and are amenable to the writ jurisdiction

of superior courts but this discretionary power must be exercised with a great deal of restraint and caution. The Courts must realise their limitations and the havoc which needless interference in commercial matters can cause. In contracts involving technical issues the courts should be even more reluctant because most of us in judges' robes do not have the necessary expertise to adjudicate upon technical issues beyond our domain. As laid down in the judgments cited above the courts should not use a magnifying glass while scanning the tenders and make every small mistake appear like a big blunder. In fact, the courts must give “fair play in the joints” to the government and public sector undertakings in matters of contract. Courts must also not interfere where such interference will cause unnecessary loss to the public exchequer.

20. The essence of the law laid down in the judgments referred to above is the exercise of restraint and caution; the need for overwhelming public interest to justify judicial intervention in matters of contract involving the state instrumentalities; the courts should give way to the opinion of the experts unless the decision is totally arbitrary or unreasonable; the court does not sit like a court of appeal over the appropriate authority; the court must realise that the authority floating the tender is the best judge of its requirements and, therefore, the court's interference should be minimal. The authority which floats the contract or tender, and has authored the tender documents is the best judge as to how the documents have to be interpreted. If two interpretations are possible then the interpretation of the author must be accepted. The courts will only interfere to prevent arbitrariness, irrationality, bias, mala fides or perversity. With this approach in mind we shall deal with the present case.”

23. Upon an examination of the note-sheets, we find that the respondent has taken into account a comparative table of estimates for various waste

management operations in Pali (Haryana), Hyderabad and Kanpur (Dehat) to reach a conclusion that the bid quoted is excessive; and thus the respondent in its wisdom has decided to recall the tender. Although Mr. Dholakia has strongly urged before us that this comparison is between unequals, we are clear that as far as Courts are concerned, it has been consistently held by the Apex Court that such aspects should be left to the party issuing the tender and is not for the court to decide. Even otherwise, the tender conditions give an unequivocal option and right to the respondent to recall any tender. The Hon'ble Supreme Court of India in the case of *Monarch Infrastructure (P) Ltd. vs. Commissioner, Ulhasnagar Municipal Corporation and Others* (2000) 5 SCC 287 has categorically held that the terms and conditions in the tender that are prescribed by the Government, are done bearing in mind the nature of the contract; and in such matters the authority calling for the tender is the best judge to prescribe the terms and conditions. It was also held that the terms of the invitation to tender are not open to judicial scrutiny, the same being in the realm of contract.

24. Accordingly, we do not find any justifiable reason to interfere in the matter in exercise of our jurisdiction under Article 226 of the Constitution of India to grant the relief sought.
25. The writ petition is accordingly dismissed. Interim order stands vacated.

G.S. SISTANI, J

ANUP JAIRAM BHAMBHANI, J

OCTOBER 09, 2019/rb

ANNEXURE R7

DELHI STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION
TECHNICAL CENTRE BUILDING, WAZIRPUR INDUSTRIAL AREA, DELHI - 52
OFFICE OF THE EXECUTIVE ENGINEER (CIVIL)

42

No: DSIIDC/EE(C)/LOA/TSDF/2019-20/1123

Date: -30.11.2019

M/s Tamil Nadu Waste Management Ltd. (TNWML)
13th floor, Ramky Grandiose, Ramky Towers
Gachibowli, Hyderabad-500084

LETTER OF ACCEPTANCE

Name of Work:- Development of Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste on BOT basis at Bawana in Delhi.

Dear Sir,

Your Request for proposal (RFP) vide RFP No. 03/18-19 Tender Id-2018_DSIIDC_164467_1 dated 26.12.2018 for the work mentioned above has been accepted on behalf of MD, DSIIDC at your quoted tipping fees for 1st year as described below:-

S. No	Particular	Quantum of waste (Tonnes Per annum)	Tipping fee per Ton applicable during 1 st year of operation after achieving COD (in Rupees) as quoted by M/s TNWML	Amount as per rate quoted by TNWML (in Rs.)
1.	For Direct land filling	1932	1395/-	26,95,140/-
2.	For treatment and land filling	996	2936/-	29,24,256/-
3.	For incineration and landfilling	349	17991/-	62,78,859/-
	Total			1,18,98,255/-

Tipping fees for the subsequent years after the first year shall be applicable as per terms and conditions of RFP. In addition to this, transportation fee and Grant-in-Aid shall also be applicable in accordance of the terms and conditions of the RFP.

You are requested to submit the Performance Security of Rs. 1.00 crore (Rs. One Crore only), in favour of "DSIIDC Ltd." from a scheduled or nationalized bank acceptable to DSIIDC and payable and enforceable in Delhi, (the "Performance Security") and the same shall be kept valid in the specified amounts at all times during the execution of TSDF and Concession Period by renewal or otherwise., within seven days of issue of this letter. The performance Security shall be in the prescribed form of the draft concession agreement of RFP and shall be valid Upto for the year of 2047.

On receipt of prescribed performance security, necessary letter to commence the work shall be issued and site of work shall be handed over to you thereafter.

Please note that the time allowed for carrying out the work as entered in the tender is 15 months which shall be reckoned from the 15 days after the date of issue of this letter.

Though the time of completion is 15 months as per RFP but all out efforts should be made to complete the work by June, 2020 as per the direction of Hon'ble NGT.

Further, you are requested to submit the acknowledgement agreeing to comply with the conditions set out in the RFP and to execute the Concession Agreement immediately.

Yours faithfully,


(Harish Chandra)

Executive Engineer (Civil)

Copy to:-

1. Managing Director, DSIIDC
2. Special Commissioner (Env.), GNCTD of Delhi & Member Secretary, DPCC
3. Member Secretary, Central Pollution Control Board
4. Executive Director, DSIIDC
5. Director (Finance), DSIIDC
6. Deputy commissioner of Industries (CETP)
7. Chief Engineer-II, DSIIDC
8. SE (Env.), DSIIDC
9. C.A.O. (W)
10. D.A.O. (W)
11. S.O.(W)
12. Master file

2/3/2020

DELHI STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORP. LTD.
TECHNICAL CENTRE BUILDING, WAZIRPUR INDUSTRIAL AREA, DELHI - 52
OFFICE OF THE EXECUTIVE ENGINEER (CIVIL)

No: DSIIDC/ EE(C)/LOC/TSDF/2019-20/ 1263

Date: 18.12.2019

M/s Tamil Nadu Waste Management Ltd.
 13th floor, Ramky Grandiose, Ramky Towers
 Gachibowli, Hyderabad-500084

Letter for Commencement

Name of Work: Development of Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste on BOT basis at Bawana in Delhi.

1. Performance Security /Bank Guarantee no: 16340100012442 dated 04.12.2019 amount to Rs. 1,00,00,000/- Crore (Rs. One Crore only) issued by **Axis Bank Limited credit Management Centre-Hyderabad (AP), 6-3-879/B First Floor Pulla Reddy BL, Greenlands, Begumpet Road, Hyderabad-500016** Valid upto 03.12.2024 submitted vide your letter no: TNWML/DSIIDC/2019/12/01 dated 05.12.2019 received on 06.12.2019.
2. This office letter of acceptance no. DSIIDC/EE(C)/LOA/TSDF/2019-20/1123 dated 30.11.2019.

Dear Sir,

You are requested to contact **Sh. Manish Mishra, JE (C)** for taking possession of site and to start the work at once as per concessionaire agreement and terms & conditions of the RFP.

In continuation to the letter referred to above, you are requested to attend this office to complete the formal agreement within Three days with Rs. 100/- judicial stamp paper from the date of this letter.


 (Harish Chandra)
 E.E. (C)

Copy to:-

1. Managing Director, DSIIDC
2. Special Commissioner (Env.), GNCTD of Delhi & Member Secretary, DPCC
3. Member Secretary, Central Pollution Control Board
4. Executive Director, DSIIDC
5. Director (Finance), DSIIDC
6. Deputy Commissioner of Industries (CETP)
7. Chief Engineer-II, DSIIDC
8. SE (Env.), DSIIDC
9. C.A.O. (W)
10. D.A.O. (W)
11. S.O. (Env.)
12. M/s Arcadis Consultant
13. OSD to Y.P.M.C.
14. Master file

ANNEXURE R9

F.No.10-60/2019-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA.III Section)

45

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 3

Date: 6th January, 2020

To,

M/s Tamil Nadu Waste Management Limited
13th Floor Ramky Grandiose Ramky Tower Complex
Gachibowli Hyderabad - 500032, Telangana
E Mail: consultancygroup@ramky.com

Subject: 'Treatment Storage Disposal Facility' at Plot No. N1, Sector 5 Bawana Industrial Area, Narela, Delhi by M/s Tamil Nadu Waste Management Limited - Terms of Reference - reg.

Sir,

This has reference to your proposal No. IA/DL/MIS/127887/2019 dated 16.12.2019 submitted to this Ministry for seeking Terms of Reference (ToR) in terms of the provisions of the Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986.

2. The proposal for grant of Terms of Reference (ToR) to the project 'Treatment Storage Disposal Facility' at Plot no N1, Sector 5 Bawana Industrial Area, Narela, Delhi by M/s Tamil Nadu Waste Management Limited was considered by the Expert Appraisal Committee (Infra-2) in its 47th meeting held during 26-27 December, 2019.

3. The details of the project, as per the documents submitted by the project proponent, and also as informed during the above said meeting, are under:-

- (i) A huge quantum of hazardous waste is lying in the premises of industries and CETPs and they are facing difficulties to accommodate more hazardous waste due to lack of space in their premises. Leading to increasing pollution the state of Delhi, the Hon'ble NGT intervened and gave directions in different cases to develop a TSDF in the State of Delhi.
- (ii) In compliance to the direction in one hearing in the matter of Balamsingh Rawat V/s Govt. of NCT of Delhi & Ors. Delhi State Industrial and Infrastructure Development Corporation Ltd (DSIIDC) filed an affidavit before Hon'ble NGT in July 2015 that the work of TSDF shall be completed within two years. In the other case, M/s Rajiv Naryana & Anr. V/s Union of India & Ors., Hon'ble NGT has directed vide its order dated 30.07.2018 that TSDF is to be set up within three months in Delhi. Later on Hon'ble NGT vide their order dated 19.11.2019 directed DSIIDC that setting up of TSDF may also be completed latest by June, 2020.
- (iii) In this regard, Delhi State Industrial and Infrastructure Development Corporation Ltd. (DSIIDC) has selected M/s Tamil Nadu Waste Management Limited as successful bidder for the development of Treatment, Storage and Disposal Facility (TSDF) at 14 acres of land, earmarked "ABCD" of size (515*110) sqm measuring 14 acres area out of 67.9112 Ha earmarked as "abcdefgh" as Secured Land Fill (SLF) site at Narela Bawana PH 1 near Western Yamuna Canal. This land is part of the Master Plan of Delhi (MPD). The land is Notified Land for Waste Management in the MPD falling near the notified industrial estate of Narela Bawana.
- (iv) The details of project capacities proposed for environmental clearance to be developed are given in below:

S. No.	Name of the Facility	Proposed capacity
1.	Secured landfill (DLF)	65000 MTA
2.	Treatment/Stabilization (LAT)	
3.	Incineration (INC) - common for HW and other wastes	1.5 T/hr

4.	Alternative Fuel and Raw Material (AFRF)	10000 TPA
5.	E waste	2000 TPA
6.	Used Oil Recycling	1000 KLPA
7.	Spent Solvent Recycling	1000 KLPA
8.	Paper Recycling	1000 TPA
9.	Plastic Recycling	1000 TPA
10.	Drum Recycling	200 /day

- (v) The total land allotted for the proposed project is 14 Acres (5.66 Ha).
- (vi) The total water requirement for the project is 100 KLD. The water will be sourced from Delhi Jal Board Tankers and bore well. The power required for operations is 500 kVA which will be taken from North Delhi Power Ltd. DG set of 500 kVA capacity will be used as backup power during emergency backup.
- (vii) The distance between the project site and some important eco-sensitive areas include Yamuna Western Canal is located at 0.5 km in SW direction, CRPF Camp is located at 2 km in NW direction, Air Force Station Ghoga is located at 3 km in NW direction, Sultanpur Reserve Forest in SW direction, Marmurpur Protected Forest is located at 7 km in NE direction. There are no National Parks, Wildlife Sanctuaries within the study area of the project.
- (viii) Investment Cost of the proposed project is Rs. 24 Crores
- (ix) Benefits of the project: The proposed project facilitates better management of the industrial hazardous waste. It minimizes the pollution load on environment from the industrial hazardous waste. It reduces the number of hazardous waste dump sites in the area and also eliminates the pollution potential. Increase in employment and Physical Infrastructure.
- (x) Employment potential: Administrative - 5 nos., skilled and unskilled manpower - 35 nos., Total - 40 nos.

4. The project/activity is covered under category A of item 7(d) 'Common hazardous waste treatment, storage and disposal facilities (TSDFs)' of the Schedule to the EIA Notification, 2006 and its subsequent amendments, and requires appraisal at Central level by Sectoral EAC.

5. It was informed by the project proponent that leading to increase in pollution in the state of Delhi, the Hon'ble NGT intervened and gave directions in different cases to develop a TSDF in the State of Delhi. Hon'ble NGT vide their order dated 19.11.2019 directed DSIIDC that setting up of TSDF may be completed latest by June 2020. The Cabinet of Delhi has approved the proposal of setting up of Treatment, Storage and Disposal Facility (TSDF) at Bawana, Delhi vide its decision no 2583, dated 21.06.2018 as conveyed through Commissioner (CETP) vide his letter no F-12/484/Env/Appeal-305/2013/241 dated 07.08.2018.

6. The EAC, in its 47th meeting held during 26-27 December, 2019, after detailed deliberations, recommended the project for grant of ToR as specified by the Ministry as Standard ToR in April, 2015 for the said project/activity and the following ToR in addition to Standard ToR for preparation of EIA-EMP report. As per the recommendation of the EAC, the Ministry of Environment, Forest and Climate Change hereby accords ToR to the project 'Treatment Storage Disposal Facility' at Plot no N1, Sector 5 Bawana Industrial Area, Narela, Delhi by M/s Tamil Nadu Waste Management Limited for preparation of the Environmental Impact Assessment (EIA) Report and Environmental Management Plan (EMP) with the following specific and general conditions in addition to Standard ToR provided at **Annexure**:

- (i) Importance and benefits of the project.
- (ii) The E.I.A. would address to the conformity of site to the stipulations as made in the Hazardous and other Wastes (Management, handling and trans-boundary movement) Rules, 2016 and will have a complete chapter indicating conformity to the said rules.
- (iii) Project proponents would also submit a write up on how their project proposal conform to the stipulations made in the "Protocol for Performance evolution and monitoring of the

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Common Hazardous Waste Treatment Storage and Disposal facilities including common Hazardous Waste incinerators", published by the CPCB on May 24, 2010.

- (iv) Status of compliance to the provisions of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, and Bio-Medical Waste Management Rules, 2016.
- (v) Details of various waste management units with capacities for the proposed project.
- (vi) List of waste to be handled and their source along with mode of transportation.
- (vii) Other chemicals and materials required with quantities and storage capacities.
- (viii) Details of temporary storage facility for storage of hazardous waste at project site.
- (ix) Details of pre-treatment facility of hazardous waste at TSDF.
- (x) Details of air emissions, effluents, hazardous/solid waste generation and their management.
- (xi) Requirement of water, power, with source of supply, status of approval, water balance diagram, man-power requirement (regular and contract).
- (xii) Process description along with major equipments and machineries, process flow sheet (quantitative) from waste material to disposal to be provided.
- (xiii) Hazard identification and details of proposed safety systems.
- (xiv) Details of Drainage of the project up to 5 km radius of study area. If the site is within 1 km radius of any major river, peak and lean season river discharge as well as flood occurrence frequency based on peak rainfall data of the past 30 years. Details of Flood Level of the project site and maximum Flood Level of the river shall also be provided.
- (xv) Ground water quality monitoring in and around the project site.
- (xvi) The Air Quality Index shall be calculated for base level air quality.
- (xvii) Status of the land purchases in terms of land acquisition Act and study the impact.
- (xviii) Status of acquisition of land. If acquisition is not complete, stage of the acquisition process and expected time of complete possession of the land.
- (xix) R&R details in respect of land in line with state Government policy.
- (xx) Details of effluent treatment and recycling process.
- (xxi) Leachate study report and detailed leachate management plan to be incorporated.
- (xxii) Action plan for measures to be taken for excessive leachate generation during monsoon period.
- (xxiii) Action plan for any pollution of ground water is noticed during operation period or post closure monitoring period.
- (xxiv) Detailed Environmental Monitoring Plan as well as Post Closure Monitoring Plan.
- (xxv) Submit details of Bio Medical Waste to be handled and the other facilities operating within 75 km area.
- (xxvi) A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project.
- (xxvii) A detailed Plan for green belt development.
- (xxviii) A certificate from the local body supplying water, specifying the total annual water availability with the local authority, the quantity of water already committed, the quantity of water allotted to the project under consideration and the balance water available. This should be specified separately for ground water and surface water sources, ensuring that there is no impact on other users.

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- (xxix) Any litigation pending against the project and/or any direction/order passed by any Court of Law against the project, if so, details thereof shall also be included. Has the unit received any notice under the Section 5 of Environment (Protection) Act, 1986 or relevant Sections of Air and Water Acts? If so, details thereof and compliance/ATR to the notice(s) and present status of the case.
- (xxx) The project proponents shall satisfactorily address to all the complaints/suggestions that have been received against the project till the date of submission of proposals for Appraisal.
- (xxxi) Public hearing to be conducted and issues raised and commitments made by the project proponent on the same should be included in EIA/EMP Report in the form of tabular chart with financial budget for complying with the commitments made.
- (xxxii) Plan for Corporate Environment Responsibility (CER) as specified under Ministry's Office Memorandum vide F.No. 22-65/2017-IA.III dated 01.05.2018 shall be prepared and submitted along with EIA Report.
- (xxxiii) A tabular chart with index for point wise compliance of above ToRs.

General Guidelines

- (i) The EIA document shall be printed on both sides, as far as possible.
- (ii) All documents should be properly indexed, page numbered.
- (iii) Period/date of data collection should be clearly indicated.
- (iv) Authenticated English translation of all material provided in Regional languages.
- (v) The letter/application for EC should quote the MoEF&CC File No. and also attach a copy of the letter prescribing the ToR.
- (vi) The copy of the letter received from the Ministry on the ToR prescribed for the project should be attached as an annexure to the final EIA-EMP Report.
- (vii) The final EIA-EMP report submitted to the Ministry must incorporate the issues mentioned in ToR and raised during public hearing. The index of the final EIA-EMP report, must indicate the specific chapter and page no. of the EIA-EMP Report where the specific ToR prescribed by Ministry. Questionnaire related to the project (posted on MoEF&CC website) with all sections duly filled in shall also be submitted at the time of applying for EC.
- (viii) Grant of ToR does not mean grant of EC.
- (ix) The status of accreditation of the EIA consultant with NABET/QCI shall be specifically mentioned. The consultant shall certify that his accreditation is for the sector for which this EIA is prepared.
- (x) On the front page of EIA/EMP reports, the name of the consultant/consultancy firm along with their complete details including their accreditation, if any shall be indicated. The consultant while submitting the EIA/EMP report shall give an undertaking to the effect that the prescribed ToRs (ToR proposed by the project proponent and additional ToR given by the MoEF&CC) have been complied with and the data submitted is factually correct (Refer MoEF&CC Office memorandum dated 4th August, 2009).
- (xi) While submitting the EIA/EMP reports, the name of the experts associated with/involved in the preparation of these reports and the laboratories through which the samples have been got analysed should be stated in the report. It shall clearly be indicated whether these laboratories are approved under the Environment (Protection) Act, 1986 and the rules made there under (Please refer MoEF&CC Office Memorandum dated 4th August, 2009). The project leader of the EIA study shall also be mentioned.
- (xii) All the ToR points as presented before the Expert Appraisal Committee (EAC) shall be covered.

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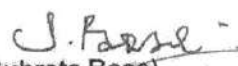
7. The above ToR should be considered for the project 'Treatment Storage Disposal Facility' at Plot no N1, Sector 5 Bawana Industrial Area, Narela, Delhi by M/s Tamil Nadu Waste Management Limited, in addition to all the relevant information as per the 'Generic Structure of EIA' given in Appendix III and IIIA in the EIA Notification, 2006. The draft EIA/EMP report shall be submitted to the Delhi Pollution Control Committee for public hearing. The issues emerged and response to the issues shall be incorporated in the EIA report.

8. The project proponent shall submit the detailed final EIA/EMP prepared as per ToR to the Ministry for considering the proposal for environmental clearance within 3 years as per the MoEF&CC O.M. No.J-11013/41/2006-IA-II(I) (P) dated 08.10.2014.

9. The consultants involved in preparation of EIA/EMP report after accreditation with Quality Council of India/National Accreditation Board of Education and Training (QCI/NABET) would need to include a certificate in this regard in the EIA/EMP reports prepared by them and data provided by other Organization(s)/ Laboratories including their status of approvals etc. vide Notification of the MoEF&CC dated 19.07.2013.

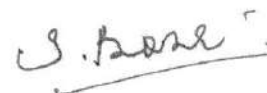
10. The prescribed ToR would be valid for a period of three years for submission of the EIA/EMP Reports.

11. This issues with the approval of Competent Authority.


(Dr. Subrata Bose)
Scientist F

Copy to:

The Member Secretary, Delhi Pollution Control Committee, Department of Environment,
Government of N.C.T. Delhi, 4th Floor, ISBT Building, Kashmere Gate, Delhi.



Annexure

7(d): STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR COMMON HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES (TSDFS) AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT

- 1) Reasons for selecting the site with details of alternate sites examined/rejected/selected on merit with comparative statement and reason/basis for selection. The examination should justify site suitability in terms of environmental damages, resources sustainability associated with selected site as compared to rejected sites. The analysis should include parameters considered along with weightage criteria for short-listing selected site.
- 2) Submit the details of the road/rail connectivity along with the likely impacts and mitigative measures
- 3) Submit the present land use and permission required for any conversion such as forest, agriculture etc
- 4) Examine the details of transportation of Hazardous wastes, and its safety in handling.
- 5) Examine and submit the details of on line pollutant monitoring.
- 6) Examine the details of monitoring of Dioxin and Furan.
- 7) MoU for disposal of ash through the TSDF.
- 8) MoU for disposal of scrubbing waste water through CETP.
- 9) Examine and submit details of monitoring of water quality around the landfill site.
- 10) Examine and submit details of the odour control measures.
- 11) Examine and submit details of impact on water body and mitigative measures during rainy season.
- 12) Environmental Management Plan should be accompanied with Environmental Monitoring Plan and environmental cost and benefit assessment. Regular monitoring shall be carried out for odour control.
- 13) Water quality around the landfill site shall be monitored regularly to examine the impact on the ground water.
- 14) The storage and handling of hazardous wastes shall be as per the Hazardous Waste Management Rules.
- 15) Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.

- 16) Public hearing to be conducted for the project in accordance with provisions of Environmental Impact Assessment Notification, 2006 and the issues raised by the public should be addressed in the Environmental Management Plan. The Public Hearing should be conducted based on the ToR letter issued by the Ministry and not on the basis of Minutes of the Meeting available on the web-site.
- 17) A detailed draft EIA/EMP report should be prepared in accordance with the above additional TOR and should be submitted to the Ministry in accordance with the Notification.
- 18) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 19) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 20) Any further clarification on carrying out the above studies including anticipated impacts due to the project and mitigative measure, project proponent can refer to the model ToR available on Ministry website <http://moef.nic.in/Manual/Incinerator>

 DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in	
Public Hearing for Environmental Clearance for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited". In accordance with the Notification No.: S.O. 1533 (E), Dated 14.09.2006 of Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India and Terms of Reference (TOR) given by MoEF&CC vide Letter F.No.10-60/2019-IA - III Dated 06.01.2020, it is hereby notified to conduct Environmental Public Hearing for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi-110039 by M/s TamilNadu Waste Management Limited".	
1. Name of the Project	"Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi-110039 by M/s TamilNadu Waste Management Limited".
2. Location of the Project	TSDF Site, Adjacent to Waste to Energy Plant & Pragati Power Plant, Bawana, Delhi -110039
3. Name of the Authorized Person to be contacted with address and contact number	Mr. Ganesh Sivaramakrishnan AGM - Business Development M/s TamilNadu Waste Management Limited, 13th Floor, Ramky Grandiose, Gachibowli, Hyderabad, Telangana-500032, Phone : 040- 23015000 Mobile : 9100924874
4. Capital Cost of the Project	INR 23.40 Crores
5. Name of the Environmental Consultant	Ramky Enviro Services Private Limited Ramky Grandiose, Gachibowli, Hyderabad- 500032
6. Line of Activity	Common Hazardous Waste Treatment, Storage and Disposal Facility (TSDF)
7. Date/Time/Venue of Public Hearing	Date : 09.04.2020 Time : 11:00 A.M to 1:00 P.M Venue : TSDF Site, Adjacent to Waste to Energy Plant & Pragati Power Plant, Bawana, Delhi -110039
Draft Environmental Impact Assessment Report (in English) & Summary Environmental Impact Assessment Report (in English & Hindi) of the said Project along with CD are available at the following offices and at the website of DPCC (http://dpcc.delhigovt.nic.in) : I. Office of the District Magistrate, North District, Govt. of NCT of Delhi, BDO Block, Alipur, Delhi-110036. II. Office of the Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. S.P.M Civic Center, JLN Marg, Delhi-02. III. Office of the Commissioner of Industries, Govt. of NCT of Delhi, 419, Udyog Sadan, FIE Patparganj, Delhi-110092 IV. Office of the Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, Delhi-110023. V. Office of the IA-III Section, Ministry of Environment, Forest and Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jorbagh Road, Delhi -110003 VI. Regional Office of Ministry of Environment, Forest and Climate Change, Govt. of India, 5th Floor, Kendriya Bhawan, Sector H, Aliganj, Lucknow, Uttar Pradesh -260224 VII. Office of the Executive Engineer (C), Delhi State Industrial and Infrastructure Development Corporation Limited (DSIIDC), Technical Center Building, Wazirpur Industrial Area, Delhi -110052. VIII. Office of Delhi Pollution Control Committee, 5th Floor, ISBT Building, Kashmere Gate, Delhi - 110006. The Public could access the Draft Environmental Impact Assessment Report & Summary Environmental Impact Assessment Report of the said Project before the Public Hearing and can also participate in the proceedings of the Public Hearing on the Date, Time and Venue as mentioned above. Suggestions / Views / Comments / Objections / Responses, if any, with respect to the above mentioned Project are invited from the Public / Interested Persons within 30 days from the date of publication of this Public Notice and the same can be submitted in writing to the Member Secretary, Delhi Pollution Control Committee, 5th Floor, ISBT Building, Kashmere Gate, Delhi -110006 or through Email at msdpcc@nic.in Place: Delhi Member Secretary Delhi Pollution Control Committee	

करोड़

आ आपकी समस्याएं हमारे लिए
ईमेल: sdm@delhi.gov.in पर प्रेषित करें।
हमारी वेबसाइट देखें: <http://dpcc.delhi.govt.nic.in>

दिल्ली
की सड़क शोध,
ईमेल: sdm@delhi.gov.in
123, 1

दिल्ली सरकार
की वेबसाइट पर
आपकी समस्याएं
हमारे लिए प्रेषित करें।
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ईमेल: sdm@delhi.gov.in
123, 1

दिल्ली सरकार
की वेबसाइट पर
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ईमेल: sdm@delhi.gov.in
123, 1

दिल्ली सरकार
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हमारे लिए प्रेषित करें।
हमारी वेबसाइट देखें:
<http://dpcc.delhi.govt.nic.in>

ईमेल: sdm@delhi.gov.in
123, 1

दिल्ली सरकार
की वेबसाइट पर
आपकी समस्याएं
हमारे लिए प्रेषित करें।
हमारी वेबसाइट देखें:
<http://dpcc.delhi.govt.nic.in>

ईमेल: sdm@delhi.gov.in
123, 1

दिल्ली सरकार
की वेबसाइट पर
आपकी समस्याएं
हमारे लिए प्रेषित करें।
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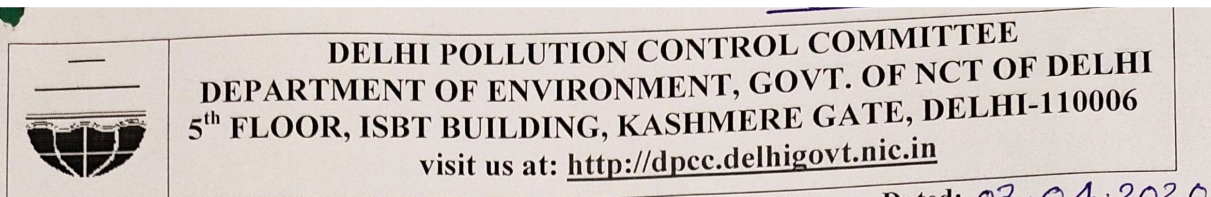
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 दिल्ली प्रदूषण नियंत्रण समिति पर्यावरण विभाग राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार पंचायत तल आईएससीटी बिल्डिंग करवीर रोड दिल्ली-110006 हमारी वेबसाइट देखें: http://dpcc.delhi.govt.nic.in	
संकटमय अवस्था के लिए उपचार, नकारण और निषेधन सुविधा (टी एस सी एफ) बचाना, दिल्ली-110039 मैसर्स तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड द्वारा परियोजना के लिए पर्यावरणीय प्रभावों के लिए सार्वजनिक सुनवाई। पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार के अधिनियम सं. 1533 (ई), दिनांक: 14-09-2006 को अनुसार और पत्र क्रमांक: 19-02/2019 & J.A.A. दिनांक (Date): 08-01-2020 के द्वारा जारी संदर्भ की राई (Letter of Reference) के अनुसार संकटमय अवस्था के लिए उपचार, नकारण और निषेधन सुविधा (टी एस सी एफ) बचाना, दिल्ली-110039 मैसर्स तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड द्वारा परियोजना के लिए पर्यावरणीय प्रभावों के लिए सार्वजनिक सुनवाई करने के लिए इसी अधिनियम किया गया है।	
1. परियोजना का नाम	संकटमय अवस्था के लिए उपचार, नकारण और निषेधन सुविधा (टी एस सी एफ) बचाना, दिल्ली-110039 मैसर्स तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड द्वारा परियोजना
2. परियोजना का स्थान	टी एस सी एफ स्थल वेस्ट टु एनर्जी प्लांट और प्रगति पावर प्लांट से सटा हुआ, बचाना, दिल्ली-110039
3. संपर्क करने के लिए अधिकृत व्यक्ति का नाम पता व संपर्क संख्या	श्री नरेश शिवरामकृष्णन सहायक महासंचालक, व्यापार विकास मैसर्स तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड, 13 वीं मंजिल, रैमकी ईडिओस, मायोबोवली, हैदराबाद, तेलंगाना-500032 दूरभाष संख्या: 040-23015000, मोबाइल संख्या: 9100924874
4. परियोजना की पुंजीगत लागत	23.40 करोड़ रुपये
5. परियोजना के पर्यावरण सलाहकार का नाम	मैसर्स रैमकी एनवायरमेंट सर्विसेज प्राइवेट लिमिटेड रैमकी ईडिओस, मायोबोवली, हैदराबाद-500032
6. गतिविधि की कवरिंग	आम संकटमय अवस्था उपचार, नकारण और निषेधन सुविधा (टी एस सी एफ)
7. सार्वजनिक सुनवाई का दिनांक समय व स्थान	तारीख: 05.04.2020 समय: प्रातः 11:00 बजे से अपराह्न 1:00 बजे तक स्थान: टी एस सी एफ स्थल वेस्ट टु एनर्जी प्लांट और प्रगति पावर प्लांट से सटा हुआ, बचाना, दिल्ली-110039
उपरोक्त परियोजना की प्रारंभ पर्यावरणीय प्रभाव आकलन रिपोर्ट (ओजीपी) और पर्यावरणीय प्रभाव आकलन रिपोर्ट का संसंधि (संश्लेष) व हिन्दी में) की की को साथ निम्नलिखित कार्यालयों में और दिल्ली प्रदूषण नियंत्रण समिति की वेबसाइट http://dpcc.delhi.govt.nic.in पर भी उपलब्ध है। 1. जिला मजिस्ट्रेट का कार्यालय, उत्तर जिला, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार, बी बी ओ ब्लॉक, ललीपुर, दिल्ली-110030 2. अनुसूचित जाति विकास विभाग का कार्यालय, पीपी (4) मंजिल, बी एस पी एम, सिडिआ सेंटर, डी. एल. एन. मार्ग, दिल्ली-110002 3. राष्ट्रीय अनुसूचित जाति विकास विभाग का कार्यालय, दिल्ली सरकार, राष्ट्रीय राजधानी क्षेत्र, 418, उत्तरीय सदन, एनएचआई एटमप्लाज, दिल्ली-110002 4. उपमहानगर, दिल्ली विधानसभा प्रधिकरण का कार्यालय, विकास सदन, आई.एम.ए., दिल्ली-110023 5. आ. व. अनुभाग का कार्यालय, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार, इंदिरा पर्यावरण भवन, जौराग रोड, दिल्ली-110003 6. पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय का क्षेत्रीय कार्यालय, भारत सरकार, इंदी मंजिल, कोट्टीय भवन, सेक्टर एम, अलीपुर, लखनऊ, उत्तर प्रदेश-200224 7. कार्यकारी अभियंता (2) का कार्यालय, दिल्ली राज्य औद्योगिक और आम सार्वजनिक विकास निगम लिमिटेड (DSAPDC), सकनीकी कैंड्र मकान, वजीरपुर औद्योगिक क्षेत्र, दिल्ली-110052 8. दिल्ली प्रदूषण नियंत्रण समिति का कार्यालय, 5वीं मंजिल, आई एस सी टी भवन, करवीर रोड, दिल्ली-110006 जोना सार्वजनिक सुनवाई से पहले पर्यावरण परियोजना की प्रारंभ पर्यावरणीय प्रभाव आकलन रिपोर्ट और प्रारंभ पर्यावरणीय प्रभाव आकलन रिपोर्ट के सारांश का उपयोग कर सकते हैं और वितरित विधि, समय और स्थान पर सार्वजनिक सुनवाई की कार्यवाही में भी भाग ले सकते हैं। उपरोक्त परियोजना के संबंध में जनता/हस्ताक्षरकारियों से सुझाव/विचार/टिप्पणियाँ/अपसरण/प्रतिक्रिया, यदि कोई हो, तो इस सार्वजनिक सुनवाई के प्रकाशन की तारीख से तीस दिनों के भीतर आमंत्रित किया जाता है तथा इसे लिखित रूप में यादव सचिव, दिल्ली प्रदूषण नियंत्रण समिति, 6वां तल, आईएससीटी बिल्डिंग, करवीर रोड, दिल्ली-110006 को या Email: sdm@dpcc.delhi.govt.nic.in पर भेज सकते हैं। सदस्य सचिव दिल्ली प्रदूषण नियंत्रण समिति	



F.No. DPCC/WMC-II/TSDF/Bawana/PH/2020/ 3450-3452 Dated: 03.04.2020

To,

✓ **Joint Secretary (Infrastructure),**
 IA-III Section, Ministry of Environment, Forest and Climate Change, Govt. of India ,
 Indira Paryavaran Bhawan, Jorbagh Road,
 Delhi -110003

Subject: Environmental Clearance for the Project “Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited”

Sir,

This has reference to your Letter F.No.10-60 /2019 -IA - III Dated 06.01.2020 and our letter F.No. DPCC/WMC II/TSDF/Bawana/PH/2020/ 3240 to 3248 Dated 05.03.2020 regarding the Public Hearing for Environmental Clearance for the Project “Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited.

2. Draft EIA Report for TSDF for Hazardous Waste at Bawana, Delhi, approved by DSIIDC was received by DPCC from M/s TamilNadu Waste Management Limited (Project Proponent) on 26.02.2020. Public Hearing for Environmental Clearance for the said Project was scheduled on 09.04.2020 between 11.00 A.M to 1.00 P.M at the TSDF Site, Adjacent to Waste to Energy Plant & Pragati Power Plant, Bawana, Delhi – 110039 and a **Public Notice was issued in this regard on 06.03.2020 in Times of India (in English) and Dainik Jagran (in Hindi). Copy of the Public Notices issued are enclosed as Annexure - I.**
3. Draft EIA Report (in English) and Executive Summary EIA Report (in English and Hindi) in hard copy and soft copy (in CD) were sent to various Departments vide said letter dated 05.03.2020 (**Copy of letter enclosed as Annexure - II.**) for wide publicity and requesting the interested persons to send their comments to DPCC within 30 days from the date of publication of said Public Notice. Departments were also requested to make available the Draft EIA Report for inspection electronically or otherwise during normal office hours. This was done for the purpose of public consultation as per the EIA Notification Dated 14.09.2006.
4. However, in view of the Order dated 24.03.2020 issued by National Disaster Management Authority (NDMA), and Order dated 24.03.2020 issued by the Ministry of Home Affairs (MHA), Govt. of India, directing the Ministries/ Departments of Govt. State/Union Territory Govts. and State/ Union Territory Authorities to take effective measures for ensuring social distancing so as to prevent the spread of COVID-19 in all parts of the country, for a period of 21 days with effect from 25.03.2020 and Note Dated 02.04.2020 received from the District Magistrate (North), Govt. of NCT of Delhi **Public Hearing for Environmental Clearance for the said Project which was scheduled to be held on 09.04.2020 between 11.00 A.M to 1.00 P.M at the TSDF Site, can not be held and therefore cancelled. Public Notice regarding cancellation of said Public Hearing shall be issued soon before 09.04.2020.**

Contd...2

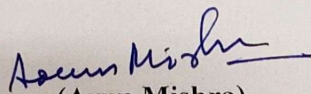
5. Meanwhile, Hon'ble National Green Tribunal vide order dated 20.03.2020 (Copy enclosed as as Annexure - III) in OA No. 159/2013 in the matter of All India Lokadhikar Sangathan Vs Govt. of NCT of Delhi & Ors. and OA No. 77/2016 in the matter of M/s Ashok Vihar Mitra Mandel Vs Govt. of NCT of Delhi & Ors. has given various directions including the following :

"Having regard to the continuing damage to the environment, we direct MoEF & CC to adopt a shortened timeline for grant of EC by using a special mechanism for dealing with the emergency situation so as to ensure that grant of EC is not delayed beyond 15.04.2020 which is the date fixed for public hearing".

6. In view of the above stated position, MoEF&CC is requested to convey decision whether another date of public hearing is required to be given after the lock down period as notified is over, or forward the suggestions / objections so received by DPCC upto 09.04.2020 in response to the public notice and letters sent to various departments / authorities, to the Regulatory Authority i.e. MoEF&CC with a copy to the Project Proponent.

If MoEF&CC decides that another date of Public Hearing is to be given, then it is suggested that the MoEF&CC may approach the Hon'ble National Green Tribunal for extension of the time for completing the process.

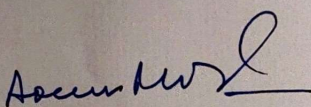
Yours Sincerely,


(Arun Mishra)
Member Secretary

Enclosures: As above

Copy to :

1. The Managing Director, Delhi State Industrial & Infrastructure Development Corporation Ltd., N-36, Bombay Life Building, Connaught Circus, New Delhi – 110001.
2. PS to Pr. Secretary (Env) -Cum- Chairman, DPCC, 6th Level, Delhi Secretariat, I.P.Estate, Delhi-02.


(Arun Mishra)
Member Secretary



दिल्ली प्रदूषण नियंत्रण समिति

पर्यावरण विभाग, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
पांचवां तल, आईएसबीटी बिल्डिंग, कश्मीरी गेट, दिल्ली-110006
हमारी वेबसाइट देखें : <http://dpcc.delhigovt.nic.in>

सार्वजनिक सूचना

विषय : बवाना, दिल्ली में संकटमय अपशिष्ट के लिए टीएसडीएफ की पर्यावरणीय मंजूरी हेतु सार्वजनिक सुनवाई का निरस्तीकरण।

“ मैसर्स तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड ” द्वारा बवाना, दिल्ली में संकटमय अपशिष्ट के उपचार, भंडारण और निपटान सुविधा (टीएसडीएफ) की परियोजना के लिए पर्यावरणीय मंजूरी हेतु सार्वजनिक सुनवाई, टीएसडीएफ स्थल वेस्ट टू एनर्जी प्लान्ट एवं प्रगति पावर प्लान्ट से सटा हुआ, बवाना, दिल्ली-110039 पर 09.04.2020 को पूर्वाह्न 11.00 बजे से अपराह्न 1.00 बजे के बीच निर्धारित किया गया था और इस संबंध में दैनिक जागरण (दिल्ली संस्करण) में 06.03.2020 को एक सार्वजनिक सूचना (हिंदी में) जारी की गई थी।

सामाजिक दूरी सुनिश्चित करने के लिए प्रभावी उपायों को लेने हेतु राज्य/संघीय क्षेत्र प्राधिकरणों और राज्य सरकार/संघीय क्षेत्र सरकार के मंत्रालयों/विभागों को निर्देशित करते हुए गृह मामलों के मंत्रालय (एमएचए), भारत सरकार द्वारा जारी दिनांक 24.03.2020 के आदेश और राष्ट्रीय आपदा प्रबंधन प्राधिकरण (एनडीएमए) द्वारा जारी दिनांक 24.03.2020 के आदेश जो कि दिनांक 25.03.2020 से 21 दिनों की अवधि के लिए देश के सभी हिस्सों में कोविड-19 (COVID-19) के प्रसार को रोकने हेतु जारी किए गए हैं और जिला दंडाधिकारी (उत्तर) [DM (NORTH)] राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार से प्राप्त दिनांक 02.04.2020 की टिप्पणी को देखते हुए कथित परियोजना के लिए पर्यावरणीय मंजूरी हेतु सार्वजनिक सुनवाई जो 09.04.2020 को पूर्वाह्न 11.00 बजे से अपराह्न 1.00 बजे के बीच टीएसडीएफ स्थल पर होना निर्धारित थी, आयोजित नहीं की जा सकती है।

आम जनता सीडी के साथ उक्त परियोजना का प्रारूप पर्यावरणीय प्रभाव आकलन रिपोर्ट (अंग्रेजी में) और पर्यावरणीय प्रभाव आकलन रिपोर्ट का सारांश (अंग्रेजी व हिंदी में) का उपयोग कर सकती है जो 06.03.2020 को प्रकाशित कथित सार्वजनिक सूचना में उल्लिखित कार्यालयों और डीपीसीसी की वेबसाइट (<http://dpcc.delhigovt.nic.in>) पर उपलब्ध है।

उपरोक्त परियोजना के संबंध में जनता/इच्छुक व्यक्तियों से सुझाव/विचार/टिप्पणियां/आपत्तियां/प्रतिक्रिया, यदि कोई हो, तो 06.03.2020 को प्रकाशित उक्त सार्वजनिक सूचना के माध्यम से आमंत्रित किया गया था और उसे 09.04.2020 तक डाक द्वारा या Email: msdpcc@nic.in के माध्यम से सदस्य सचिव, दिल्ली प्रदूषण नियंत्रण समिति, पांचवां तल, आईएसबीटी बिल्डिंग कश्मीरी गेट, दिल्ली-110006 को लिखित रूप में भेजा जा सकता है।

स्थान : दिल्ली

सदस्य सचिव
दिल्ली प्रदूषण नियंत्रण समिति

GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING
KASHMERE GATE, DELHI-110006
visit us at : <http://dpcc.delhigovt.nic.in>

PUBLIC NOTICE

Sub : Cancellation of Public Hearing for Environmental Clearance for TSDF for Hazardous Waste at Bawana, Delhi.

Public Hearing for Environmental Clearance for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited" was scheduled on 09.04.2020 between 11.00 A.M to 1.00 P.M at the TSDF Site, Adjacent to Waste to Energy Plant & Pragati Power Plant, Bawana, Delhi - 110039 and a Public Notice (in English) was issued in this regard on 06.03.2020 in Times of India (Delhi Edition).

In view of the Order dated 24.03.2020 issued by National Disaster Management Authority (NDMA), and Order dated 24.03.2020 issued by the Ministry of Home Affairs (MHA), Govt. of India, directing the Ministries/ Departments of Govt. State/Union Territory Govts. and State/ Union Territory Authorities to take effective measures for ensuring social distancing so as to prevent the spread of COVID-19 in all parts of the country, for a period of 21 days with effect from 25.03.2020 and Note Dated 02.04.2020 received from the District Magistrate (North), Govt. of NCT of Delhi, Public Hearing for Environmental Clearance for the said Project which was scheduled to be held on 09.04.2020 between 11.00 A.M to 1.00 P.M at the TSDF Site, can not be held.

The Public could access the Draft Environmental Impact Assessment Report (in English) & Summary Environmental Impact Assessment Report (in English & Hindi) of the said Project along with CD which are available at the offices as mentioned in the said Public Notice published on 06.03.2020 and at the website of DPCC (<http://dpcc.delhigovt.nic.in>).

Suggestions / Views / Comments / Objections / Responses, if any, with respect to the above mentioned Project were invited from the Public / Interested Persons through the said Public Notice published on 06.03.2020 and the same can be submitted in writing to the Member Secretary, Delhi Pollution Control Committee, 5th Floor, ISBT Building, Kashmere Gate, Delhi -110006 by post or through Email at msdpcc@nic.in by 09.04.2020.

Place: Delhi

Member Secretary
Delhi Pollution Control Committee

ANNEXURE R13

**DELHI STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION
LTD**

TECHNICAL CENTRE BUILDING, WAZIRPUR INDUSTRIAL AREA, DELHI-110 052

Office of the Superintending Engineer (Environment)

No:DSIIDC/SE(Env.)/TSDF

Dt.-06.04.2020

To

The Joint Secretary (Infrastructure),
IA-III Section, Ministry of Environment, Forest & Climate Change
Government of India,
Indira Paryavaran Bhawan, Jorbagh
New Delhi -110 003

Sub: Environmental Clearance for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited (TNWML)".

Sir,

In the matter of "Balram Singh Rawat Vs Government of NCT of Delhi & Ors.," O. A. No: 305/2013, the Hon'ble National Green Tribunal vide order dated 30.03.2015 had directed that the Treatment, Storage and Disposal Facility for Hazardous waste in Delhi should be developed by Delhi State Industrial and Infrastructure Development Corporation Ltd (DSIIDC) in collaboration with Delhi Pollution Control Committee (DPCC).

2. In line with the above order, DSIIDC had floated a tender and had awarded the work for development of TSDF at Bawana, Delhi to M/s TamilNadu Waste Management Limited.
3. The Hon'ble NGT in its order dated 19.11.2019 (**copy of the order enclosed as Annexure -I**) in the matters of All India Lokadhikar Sangathan Versus Government of NCT of Delhi & Ors(OA No 159/2013) and M/S Ashok Vihar Mitra Mandel Versus Govt. of NCT of Delhi & Ors(OA No 77/2016) had issued direction that the TSDF should be set up in Delhi latest by June 2020.
4. The TOR was Issued by Ministry of Environment, Forest & Climate Change (MoEF&CC) on 06.01.2020 vide letter no: F. No. 10-60/2019-IA-III dated 06.01.2020 and accordingly DPCC had fixed a Public Hearing for the above project on 09.04.2020.
5. The DPCC in its letter no: DPCC/WMPC-II/TSDF/Bawana/PH/2020 /3450-3452 dated 03.04.2020 addressed to Joint Secretary (Infrastructure) , MoEF&CC (**copy of the letter enclosed as Annexure - II**) has informed that the Public hearing

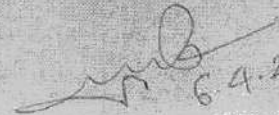
(1)

6. The Hon'ble NGT in its order no: O. A.No.159/2013 dated 16.03.2020 (*copy of the order enclosed as Annexure -III*) in the matters of All India Lokadhikar Sangathan Versus Government of NCT of Delhi & Ors(OA No 159/2013) and M/S Ashok Vihar Mitra Mandel Versus Govt. of NCT of Delhi & Ors(OA No 77/2016) has issued various directions including;

"Having regard to the continuing damage to the environment, we direct MoEF&CC to adopt a shortened timeline for grant of EC by using a special mechanism for dealing with the emergency situation so as to ensure that the grant of EC is not delayed beyond 15.04.2020, which is the date fixed for the Public Hearing"

In view of the above order of Hon'ble National Green Tribunal and above letter of DPCC dated 03.04.2020, the MoEF & CC is requested to kindly take appropriate decision for the compliance of Hon'ble NGT directions please.

Yours sincerely,



6.4.20

(SHARAT KUMAR)
Superintending Engineer(ENV)
M-9818250728

Enclosure: As above

Copy to:

1. MD,DSIIDC
2. MS,DPCC
3. ED,DSIIDC
4. CE-II,DSIIDC
5. SEE,WMC-II,DPCC
6. EE(C),DSIIDC
7. TamilNadu Waste Management Ltd.

(2)



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
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F.No. DPCC/WMC-II/TSDF/Bawana/PH/2020/3473-3475

Dated: 13/05/2020

To,

Joint Secretary (Infrastructure),
 IA-III Section, Ministry of Environment, Forest and Climate Change, Govt. of India,
 Indira Paryavaran Bhawan, Jorbagh Road,
 Delhi -110003

REMINDER

Subject: Environmental Clearance for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited"

Sir,

This has reference to our letter F. No. DPCC/WMC II/ TSDF/Bawana/PH/2020/ 3450 to 3452 Dated 03.04.2020 sent through email on 05.04.2020 regarding the subject mentioned above. (Copy of letter and email enclosed)

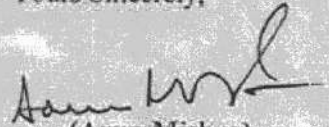
Public Hearing for Environmental Clearance for the said Project which was scheduled to be held on 09.04.2020 between 11.00 A.M to 1.00 P.M at the TSDF Site, could not be held due to lock down in Delhi and Order dated 24.03.2020 issued by National Disaster Management Authority (NDMA) and Ministry of Home Affairs (MHA), Govt. of India for prevention of spread of COVID-19 and therefore cancelled. Public Notice regarding cancellation of said Public Hearing was published in Times of India (in English) and Dainik Jagran (in Hindi) on 06.04.2020 and also uploaded on the website of DPCC. (Copy enclosed).

Vide said letter, MoEF & CC was requested to convey the decision whether another date of public hearing is required to be given after the lock down period as notified is over, or forward the suggestions / objections so received by DPCC upto 09.04.2020 in response to the public notice and letters sent to various departments / authorities, to the Regulatory Authority i.e. MoEF&CC.

Objections/ Clarifications/ Representations received w.r.t. said project in the period of 06.03.2020 to 09.04.2020 along with the Reply / Clarifications given by the Project Proponent (M/s TamilNadu Waste Management Limited) are enclosed herewith.

In view of the above MoEF & CC is once again requested to convey its decision on the above said matter to DPCC for further necessary action.

Yours Sincerely,

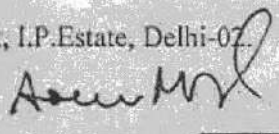

 (Arun Mishra)
 Member Secretary

Enclosures: As above

Copy to :

1. The Managing Director, Delhi State Industrial & Infrastructure Development Corporation Ltd., N-36, Bombay Life Building, Connaught Circus, New Delhi - 110001.
2. PS to Pr. Secretary (Env) -Cum- Chairman, DPCC, 6th Level, Delhi Secretariat, I.P.Estate, Delhi-02.

o/c


 (Arun Mishra)
 Member Secretary

Through E-mail



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
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F.No. DPCC/WMC-II/TSDF/Bawana/PH/2020/ 3691 - 3693 Dated: 11-06-2020

To,

Joint Secretary (Infrastructure),
 IA-III Section, Ministry of Environment, Forest and Climate Change, Govt. of India,
 Indira Paryavaran Bhawan, Jorbagh Road, Delhi -110003

REMINDER - II

Subject: Environmental Clearance for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited"

Sir,

This has reference to our letter F. No. DPCC/WMC II/ TSDF/Bawana/PH/2020/ 3450 to 3452 Dated 03.04.2020 (sent through email on 05.04.2020) and reminder dated 13.05.2020 regarding the subject mentioned above.

Public Hearing for Environmental Clearance for the said Project which was scheduled to be held on 09.04.2020 between 11.00 A.M to 1.00 P.M at the TSDF Site, could not be held due to lock down in Delhi and Order dated 24.03.2020 issued by National Disaster Management Authority (NDMA) and Ministry of Home Affairs (MHA), Govt. of India for prevention of spread of COVID-19 and therefore cancelled. Public Notice regarding cancellation of said Public Hearing was published in Times of India (in English) and Dainik Jagran (in Hindi) on 06.04.2020 and also uploaded on the website of DPCC.

Objections/ Clarifications/ Representations received w.r.t. said project in the period of 06.03.2020 to 09.04.2020 along with the Reply / Clarifications given by the Project Proponent (M/s TamilNadu Waste Management Limited) were also sent along with second letter dated 13.05.2020.

Reply/Response with respect to the above mentioned letters dated 03.04.2020 & 13.05.2020 of DPCC has not been received from MoEF&CC.

Hon'ble National Green Tribunal vide order dated 20.03.2020 in OA No. 159/2013 in the matter of All India Lokadhikar Sangathan Vs Govt. of NCT of Delhi & Ors. and OA No. 77/2016 in the matter of M/s Ashok Vihar Mitra Mandel Vs Govt. of NCT of Delhi & Ors. has given various directions including the following :

"Having regard to the continuing damage to the environment, we direct MoEF & CC to adopt a shortened timeline for grant of EC by using a special mechanism for dealing with the emergency situation so as to ensure that grant of EC is not delayed beyond 15.04.2020 which is the date fixed for public hearing".

As per the orders issued by Ministry of Home Affairs (MHA), GOI dated 30.05.2020 and Delhi Disaster Management Authority, GNCTD dated 01.06.2020(Copy enclosed), Social/ Political / Sports/ Entertainment/ Academic/ Cultural/ Religious Functions and other large congregations will be decided based on the assessment of the situation in Phase III.

As per paragraph 7.(III)(v) of EIA Notification dated 14.09.2006, the regulatory authority i.e. MoEF&CC, Govt. of India, in the present case, has an option to decide that the process of public consultation in such cases need not include the public hearing owing to the local situation.

In view of the above stated position, MoEF&CC is requested to explore the possibility of Exclusion of public hearing for the above mentioned project due to spread of COVID-19 epidemic in NCT of Delhi, considering the importance of the project for Delhi and orders passed by Hon'ble NGT in the said matter.

Yours Sincerely,

(Arun Mishra)

Member Secretary

Copy to :

1. The Managing Director, Delhi State Industrial & Infrastructure Development Corporation Ltd., N-36, Bombay Life Building, Connaught Circus, New Delhi - 110001.
2. PS to Pr. Secretary (Env) -Cum- Chairman, DPCC, 6th Level, Delhi Secretariat, I.P.Estate, Delhi-02.

(Arun Mishra)

F.No.10-60/2019-IA-III
Government of India
Ministry of Environment, Forest and Climate Change
(IA.III Section)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 3

Date: 23rd June, 2020

To,

The Member Secretary,
(Sh. Arun Mishra)
Delhi Pollution Control Committee,
Department of Environment, Government of N.C.T. Delhi,
4th Floor, ISBT Building, Kashmere Gate, Delhi.

Subject: Clarification regarding conduct of Public hearing to get Environmental Clearance for the project 'Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s Tamil Nadu Waste Management Limited - reg.

Sir,

The undersigned is directed to refer to your letter No. DPCC/WMC-II/TSDF/Bawana/PH/2020/3473-75 dated 13.05.2020 and No. DPCC/WMC-II/TSDF/Bawana/PH/2020/3450-3452 dated 03.04.2020 on the above-mentioned subject and to inform as under:

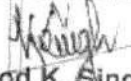
- I. The Ministry has received several similar representations from industrial associations and other sectors. The matter has been examined in the Ministry through an Expert Committee constituted in the Ministry to examine issues related to EIA Notification, 2006.
 - II. The Committee has observed that impact of project will remain for longer duration. The Committee is of the view that conducting Public Hearing at the site or in close proximity of the site is to provide equal opportunity to all concerned persons having plausible stake in the environmental aspects of the project or activity. Hence, the requirement of Public Hearing, wherever required for a developmental project/ activity cannot be dispensed with.
 - III. The Committee was of the view that Phase-4 of the lockdown was over on 31.05.2020 and the country has moved to unlock phase-1. Therefore, it is suggested to re-assess the possibility of conducting Public Hearing with adequate social distancing and other safe guards as issued by the Government of India from time to time.
2. The competent authority in the Ministry has agreed to the opinion of the Expert Committee. Further, from perusal of order dated 16.03.2020 passed by the Hon'ble Tribunal, it appears that the Hon'ble Tribunal has not exempted the Delhi Pollution Control Committee (DPCC) from the conduct of Public hearing for the proposed project. Therefore, DPCC should notify another date for conduct of public hearing expeditiously and in a manner that ensure the conduct of such hearing with

adequate social distancing and other safe guards issued by the Government of India from time to time.

3. With respect to suggestion of DPCC that MoEFCC should approach the Hon'ble NGT for extension of timeline, I have been directed to convey that the Project Proponent of the proposed project under reference has not yet submitted the application, complete in all aspects, including the EIA Report and Environment Management Plan prepared as per the Terms of Reference (TOR) granted under the EIA Notification, 2006 for the proposed project. Therefore, no action is pending on the part of this Ministry but on the part of DPCC w.r.t. conduct of Public Hearing. Therefore, DPCC may consider taking action, as appropriate, in this regard.

4. This has approval of the competent authority.

Yours faithfully,


(Dr. Vinod K. Singh)
Scientist E
Tel: 011-24695398

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
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F.No. DPCC/WMC-II/TSDF/Bawana/PH/2020/3754-3756 Dated: 24-06-2020

To,

The District Magistrate (North District),
 Govt. of NCT of Delhi,
 BDO Block, Alipur, Delhi-110036.

Subject: Public Hearing on 14.07.2020 for Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi-110039 by M/s TamilNadu Waste Management Limited.

Sir,

Please refer our letters dated 05.03.2020 & 09.03.2020 and your note dated 02.04.2020 regarding Public Hearing for Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi-110039 by M/s TamilNadu Waste Management Limited. In this regard you are kindly informed that Public Hearing for Environmental Clearance for the said Project which was scheduled to be held on 09.04.2020 between 11.00 A.M to 1.00 P.M at the TSDF Site, could not be held due to lock down in Delhi and Order dated 24.03.2020 issued by National Disaster Management Authority (NDMA) and Ministry of Home Affairs (MHA), Govt. of India for prevention of spread of COVID-19 and therefore cancelled.

Public Notice regarding cancellation of said Public Hearing was published in Times of India (in English) and Dainik Jagran (in Hindi) on 06.04.2020 and also uploaded on the website of DPCC. (Copy enclosed).

Letters were issued to Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India on 13.05.2020 & 11.06.2020 informing about the cancellation of said Public Hearing with request to convey its decision on the above said matter for further necessary action.

MoEF&CC vide letter dated 23.06.2020(Copy enclosed) has informed that DPCC should notify another date for conduct of public hearing expeditiously and in a manner that ensure the conduct of such hearing with adequate social distancing and other safe guards issued by the Government of India from time to time.

In view of the above and as discussed with the District Magistrate (North District), Public Hearing for the said project has been rescheduled and to be held as given below:

Date : 14.07.2020

Time : 11.00 A.M to 1.00 P.M

Venue : TSDF Site, Adjacent to Waste to Energy Plant & Pragati Power Plant, Bawana, Delhi - 110039

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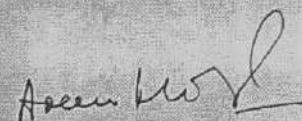
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C/SR
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As per the Appendix IV (Procedure for conduct of Public Hearing) of the Notification dated 14.09.2006 of MoEF&CC regarding prior Environmental Clearance, "The District Magistrate/District Collector/Deputy Commissioner or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall Supervise and preside over the entire public hearing process". Delhi Pollution Control Committee (DPCC) shall provide assistance for conducting said Public Hearing.

In view of the above, you or your representative are requested to supervise and preside over the entire public hearing process for the said project on 14.07.2020. While conducting Public Hearing process the guidelines regarding observance of social distancing norms may please be enforced.

Yours Sincerely,



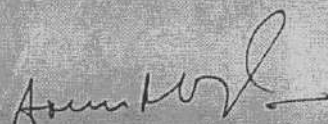
(Arun Mishra)

Member Secretary

Enclosures: As above.

Copy to :

1. The Managing Director, Delhi State Industrial & Infrastructure Development Corporation Ltd., N-36, Bombay Life Building, Connaught Circus, New Delhi - 110001- for necessary action.
2. M/s TamilNadu Waste Management Limited , 13th Floor, Ramky Grandiose , Ramky Towers, Gachibowli, Hyderabad, - 500032 - To take necessary action and measures for Conduct of Public Hearing on 14.07.2020 w.r.t said letter of MoEF&CC dated 23.06.2020 and Prior Environmental Clearance Notification Dated 14.09.2006 of MoEF&CC.



(Arun Mishra)

Member Secretary



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
 visit us at : <http://dpcc.delhigovt.nic.in>

PUBLIC NOTICE

Sub: Public Hearing for Environmental Clearance for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi by M/s TamilNadu Waste Management Limited".

Earlier Public Hearing for aforesaid project was scheduled on 09.04.2020 at the TSDF Site, Bawana and a Public Notice was issued in this regard on 06.03.2020. However, in view of the Orders dated 24.03.2020 of NDMA and MHA, Govt. of India for taking effective measures for ensuring social distancing to prevent the spread of COVID-19. Public Hearing for said Project on 09.04.2020 was cancelled and Public Notice was issued in this regard on 06.04.2020.

In accordance with the Notification No. S.O. 1533 (E), Dated 14.09.2006 of Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India, Terms of Reference (TOR) given by MoEF&CC vide Letters F.No.10-60/2019 -IA - III Dated 06.01.2020 & F.No.10-60/2019 -IA - III Dated 19.03.2020 and Letter Dated 23.06.2020 of MoEF&CC, it is hereby notified to conduct Public Hearing for Environmental Clearance for the Project "Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi-110039 by M/s TamilNadu Waste Management Limited".

1. Name of the Project	"Treatment, Storage and Disposal Facility (TSDF) for Hazardous Waste at Bawana, Delhi-110039 by M/s TamilNadu Waste Management Limited".
2. Location of the Project	TSDF Site, Adjacent to Waste to Energy Plant & Pragati Power Plant, Bawana, Delhi-110039
3. Name of the Authorised Person to be contacted with address and contact number	Mr. Ganesh Sivaramakrishnan AGM - Business Development M/s TamilNadu Waste Management Limited. 13th Floor, Ramky Grandiose, Gachibowli, Hyderabad, Telangana-500032. Phone : 040-23015000 Mobile: 9100924874
4. Capital Cost of the Project	INR 23.40 Crores
5. Name of the Environmental Consultant	Ramky Enviro Services Private Limited Ramky Grandiose, Gachibowli, Hyderabad- 500032
6. Line of Activity	Common Hazardous Waste Treatment, Storage and Disposal Facility (TSDF)
7. Date/Time/Venue of Public Hearing	Date : 14.07.2020 Time : 11:00 A.M to 1:00 P.M Venue: TSDF Site, Adjacent to Waste to Energy Plant & Pragati Power Plant, Bawana, Delhi -110039

Draft Environmental Impact Assessment Report (EIA Report) (in English) & Summary EIA Report (in English & Hindi) of the said Project along with CD are available at the following offices and at the website of DPCC (<http://dpcc.delhigovt.nic.in>):

- I. Office of the District Magistrate, North District, Govt. of NCT of Delhi, BDO Block, Alipur, Delhi-110036.
- II. Office of the Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. S.P.M Civic Center, JLN Marg, Delhi-02.
- III. Office of the Commissioner of Industries, Govt. of NCT of Delhi, 419, Udyog Sadan, FIE Patparganj, Delhi-110092
- IV. Office of the Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, Delhi-110023.
- V. Office of the IA-III Section, Ministry of Environment, Forest and Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jorbagh Road, Delhi -110003.
- VI. Regional Office of Ministry of Environment, Forest and Climate Change, Govt. of India, 5th Floor Kendriya Bhawan Sector H, Aliganj, Lucknow, Uttar Pradesh -260224.
- VII. Office of the Executive Engineer (C), Delhi State Industrial and Infrastructure Development Corporation Limited (DSIIDC) Technical Center Building, Wazirpur Industrial Area, Delhi -110052.
- VIII. Office of Delhi Pollution Control Committee, 5th Floor, ISBT Building, Kashmere Gate, Delhi - 110006.

The Public could access the Draft Environmental Impact Assessment Report & Summary Environmental Impact Assessment Report of the said Project before the Public Hearing and can also participate in the proceedings of the Public Hearing on the Date, Time and Venue as mentioned above.

During the said Public Hearing on 14.07.2020, Social Distancing Norms & other Safe Guards (wearing of Face Cover/Mask etc.) will be followed as per the Order No. 40-3/2020-DM-IA) Dated 30.05.2020 of Ministry of Home Affairs, Govt. of India & Guidelines mentioned therein and Order No. F.2/07/2020/S.I/part file/212 Dated 01.06.2020 of Delhi Disaster Management Authority, for containment of COVID-19.

Suggestions/Views/Comments/Objections/Responses, if any, with respect to the above mentioned Project are invited from the Public/Interested Persons within 15 days from the date of publication of this Public Notice and the same can be submitted in writing to the Member Secretary, Delhi Pollution Control Committee, 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006 or through Email at msdpcc@nic.in

Place: Delhi

Member Secretary
 Delhi Pollution Control Committee

Page No. 3, Times of India, New Delhi, Dated 26.06.2020



दिल्ली प्रदूषण नियंत्रण समिति
पर्यावरण विभाग, राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
पांचवा तल, आईएसबीटी बिल्डिंग, कश्मीरी गेट, दिल्ली-110006
देखें वेबसाइट: <http://dpcc.delhigovt.nic.in>

सार्वजनिक सूचना

विषय:- "संकटमय अपशिष्ट के लिए उपचार, भण्डारण और निपटान सुविधा (टीएसडीएफ) बवाना, दिल्ली-110039 मै. तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड द्वारा परियोजना" के लिए पर्यावरणीय मंजूरी हेतु सार्वजनिक सुनवाई।

उपरोक्त परियोजना हेतु पूर्व में सार्वजनिक सुनवाई टीएसडीएफ साइट बवाना में 09.04.2020 को निर्धारित थी और इस संबंध में एक सार्वजनिक सूचना 06.03.2020 को जारी की गई थी। कोविड-19 के प्रसार को रोकने के लिए सामाजिक दूरी सुनिश्चित करने हेतु प्रभावी उपाय लेने के लिए एनडीएमए और एमएचए, भारत सरकार के आदेश दिनांक 24.03.2020 के आलोक में, 09.04.2020 को होने वाली उक्त परियोजना की सार्वजनिक सुनवाई निरस्त की गई थी और इस संबंध में सार्वजनिक सूचना 06.04.2020 को जारी की गई थी।

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (MoEF&CC), भारत सरकार की अधिसूचना सं. S.O. 1533 (E), दिनांक 14.09.2006 के प्रावधानों अनुसार, पत्र क्रमांक F.No. 10-60/2019-IA- III दिनांक 06.01.2020 एवं पत्र क्रमांक F.No. 10-60/2019-IA- III दिनांक 19.03.2020 के द्वारा जारी संदर्भ की शर्तों (Terms of Reference) और MoEF&CC के पत्र दिनांक 23.06.2020 के अनुसार "संकटमय अपशिष्ट के लिए उपचार, भण्डारण और निपटान सुविधा (टीएसडीएफ) बवाना, दिल्ली-110039 मै. तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड द्वारा परियोजना" के लिए पर्यावरणीय मंजूरी हेतु सार्वजनिक सुनवाई करने के लिए इसे अधिसूचित किया गया है।

1. परियोजना का नाम	"संकटमय अपशिष्ट के लिए उपचार, भण्डारण और निपटान सुविधा (टीएसडीएफ) बवाना, दिल्ली-110039 मै. तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड द्वारा परियोजना"
2. परियोजना का स्थान	टीएसडीएफ स्थल वेस्ट टू इनजी प्लांट और प्रगति पावर प्लांट से सटा हुआ, बवाना, दिल्ली-110039
3. संपर्क करने के लिए अधिकृत व्यक्ति का नाम पता व संपर्क संख्या	श्री गणेश शिवरामकृष्णन, सहायक महाप्रबंधक, व्यापार विकास मै. तमिलनाडु वेस्ट मैनेजमेंट लिमिटेड, 13वां मंजिल, रैमकी ग्रीडियोस, गाचीबोवली, हैदराबाद, तेलंगाना-500032 दूरभाष संख्या: 040-23015000, मोबाइल संख्या: 9100924874
4. परियोजना की पूंजीगत लागत	23.40 करोड़ रुपये
5. परियोजना के पर्यावरण सलाहकार का नाम	मैसर्स रैमकी एनवायरों सर्विसेज प्राइवेट लिमिटेड रैमकी ग्रीडियोस, गाचीबोवली, हैदराबाद-500032
6. गतिविधि की रूपरेखा	आम संकटमय अपशिष्ट उपचार, भण्डारण और निपटान सुविधा (टीएसडीएफ)
7. सार्वजनिक सुनवाई की तिथि/समय/स्थल	तिथि: 14.07.2020 समय: प्रातः 11:00 बजे से दोपहर 1:00 बजे तक स्थल: टीएसडीएफ स्थल वेस्ट टू इनजी प्लांट और प्रगति पावर प्लांट से सटा हुआ, बवाना, दिल्ली-110039

सोडी के साथ उपरोक्त परियोजना के पर्यावरणीय प्रभाव के आकलन रिपोर्ट का प्रारूप (EIA रिपोर्ट) (अंग्रेजी में) एवं EIA रिपोर्ट का सारांश (अंग्रेजी एवं हिन्दी में) दिल्ली प्रदूषण नियंत्रण समिति की वेबसाइट <http://dpcc.delhigovt.nic.in> एवं निम्नलिखित कार्यालयों में उपलब्ध है:

- जिला मजिस्ट्रेट का कार्यालय, उत्तर जिला, राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार, बीडीओ ब्लॉक, अलीपुर, दिल्ली-110036
- आयुक्त ठररी दिल्ली नगर निगम का कार्यालय, चौथा तल, डॉ. एस.पी.एम. सिविक सेन्टर, जेएलएन मार्ग, दिल्ली-110002
- उद्योग आयुक्त का कार्यालय, राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार, 419, उद्योग सदन, एफआईडी फटपड़गांव, दिल्ली-110092
- उपाध्यक्ष दिल्ली विकास प्राधिकरण का कार्यालय, विकास सदन, आईएनए, दिल्ली-110023
- IA-III अनुभाग का कार्यालय, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार, इंदिरा पर्यावरण भवन, जोरबाग रोड, दिल्ली-110003
- पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार का क्षेत्रीय कार्यालय, पांचवा तल, केन्द्रीय भवन, सेक्टर-एच, अलीगंज, लखनऊ, उत्तर प्रदेश-260224
- कार्यकारी अभियंता (C) का कार्यालय, दिल्ली राज्य औद्योगिक एवं अवसंरचना विकास निगम लिमिटेड (डीएसआईआईडीसी), तकनीकी केन्द्र भवन, बजौरपुर औद्योगिक क्षेत्र, दिल्ली-110052
- दिल्ली प्रदूषण नियंत्रण समिति का कार्यालय, 5वीं मंजिल, आईएसबीटी बिल्डिंग, कश्मीरी गेट, दिल्ली-110006

जहां, सार्वजनिक सुनवाई से पहले उक्त परियोजना की पर्यावरणीय प्रभाव आकलन रिपोर्ट का प्रारूप एवं पर्यावरणीय प्रभाव आकलन रिपोर्ट के सारांश का उपयोग कर सकते हैं एवं उपरोक्त उल्लेख के अनुसार तिथि, समय और स्थान पर सार्वजनिक सुनवाई की प्रक्रिया में भी भाग ले सकते हैं।

14.07.2020 को उक्त सार्वजनिक सुनवाई के दौरान, सामाजिक दूरी करने के मानदंड और अन्य सुरक्षा उपायों (फेस कवरेज/मास्क आदि का प्रयोग) देश में कोविड-19 के नियंत्रण के लिए गृह मंत्रालय, भारत सरकार के आदेश सं. 40-3/2020-टीएम-आइ (ए) दिनांक 30.05.2020 और उसमें वर्णित दिशा-निर्देशों और दिल्ली आपदा प्रबंधन प्राधिकरण के आदेश सं. एफ. 2/07/2020/एसआई/पार्ट फाइल/212 दिनांक 01.06.2020 के अनुसार अनुकरण किए जाएंगे।

उपरोक्त परियोजना के संबंध में जनता/इच्छुक व्यक्तियों से सुझाव/विचार/टिप्पणियाँ/आपाततया प्रतिक्रिया, यदि कोई हो तो इस सार्वजनिक सूचना के प्रकाशन की तिथि से 15 दिनों के भीतर आमंत्रित किया जाता है और इसे लिखित रूप में सदस्य सचिव दिल्ली प्रदूषण नियंत्रण समिति, 5वीं मंजिल, आईएसबीटी बिल्डिंग, कश्मीरी गेट, दिल्ली-110006 को या msdpcc@nic.in पर ईमेल के माध्यम से भेज सकते हैं।

स्थान: दिल्ली

सदस्य सचिव
दिल्ली प्रदूषण नियंत्रण समिति

"पृष्ठ नं० 7", दोनों के जागरूक, नई दिल्ली, 26.06.2020