

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Review Application---09/2024

IN

ORIGINAL APPLICATION NO. 159 OF 2017

IN THE MATTER OF

VETERANS FORUM FOR TRANSPARENCY IN PUBLIC LIFE

....APPLICANT

Vs.

CHAPRA NAGAR NIGAM

....RESPONDENTS

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APPLICANT

VETERANS FORUM FOR TRANSPARENCY IN PUBLIC LIFE

Through its General Secretary

Wing Commander (Retd) Dr Bishwanath Prasad Singh

B-124, Swarn Nagri, Greater Noida

Dist- G. B. Nagar (UP) 201315

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2/11/24

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WRITTEN SUBMISSION OF APPLICANT

MOST RESPECTFULLY SEWETH

1. That, the important dates and events are as under:

8.3.2017- O.A 159/2017 was filed before Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter NGT) regarding non implementation of Solid Waste Management Rules 2016 by Chapra Nagar Nigam.

2.11.2017- Hon'ble NGT was pleased to pass the order of which operative portion is extracted below:

"We direct the respondent No1 to take effective steps in any case not later than two weeks from today and ensure that no waste is put in the site in question"

- 14.12.2020-** In the matter of O.A 606/Hon'ble Tribunal was pleased to pass order of general applicability to all States.
- 30.9.2021-** Since no action was initiated by respondent No 1 and respondent No 4, Execution application 29/2021 was presented before Hon'ble NGT with the prayer for passing order already made in the matter of O.A. 606/2018.
- 18.10.2021-** Hon'ble NGT was pleased to pass the order incorporating order made in the matter of O.A 606/2018 and transferred execution order to Ld District Judge Saran, Bihar under the provision of Section 25(2) of the NGT Act 2010.
- 6.9.2022-** Execution application was filed before Ld District Judge, Saran, Chapra, Bihar.
- 24.2.2024-** Civ.Misc 205/2024 filed before Hon'ble Patna High Court by the respondent No1.
- 4.5.2024-** Respondent No 1 after 940 days presents Review Application before Hon'ble NGT without any valid and sustainable reason.
- 21.8.2024 -** Bihar State Pollution Control Board issues notice under Section 31 A of the Air (Prevention and Control of Pollution) Act 1981 ana Section 33A of the Water (prevention and Control of Pollution) Act 1974 to Chapra Nagar Nigam for their action of dumping untreated Municipal Solid Waste at village Katsa, Saran without obtaining Consent to Establish (CTE) and Consent to Operate (CTO) operate. Letter of Bihar State Pollution Control Board is placed at Annexure A 1.
- 2.** That the respondent has presented review application beyond the limitation period without any valid and sustainable reasons, thus the



present review application is liable to be dismissed under the provision of Limitation Act 1963.

3. That the Hon'ble NGT in the matter of Execution Application 29/2021 has observed the following:

"4. E.A 29/2021 seeks direction for making land available for the management of solid waste which is a matter to be looked into by the statutory authorities in terms of the directions already issued as per order in O.A No 606/2018, the Tribunal has in view of earlier binding orders of the Hon'ble Supreme Court required the Chief Secretary of the State to take coercive measures in case the waste is not managed as per rules.

5. We have heard the applicant in person. We are of the view that it will be appropriate that in terms of Section 25(2) of the NGT Act the execution is transferred to jurisdictional Civil Court. Accordingly, a copy of this Tribunal dated 14.12.2020 in O.A 606/2018 be forwarded to the District Judge, Saran for being entrusted to the jurisdictional Civil Court for further action in accordance with law."

4. That it is humbly submitted that Execution proceeding No 32/2022 being conducted by District Judge Saran, Bihar is a lawful proceeding and it should be allowed to complete at an early date.
5. That it is humbly submitted that Review Application 9/2024 lacks valid and sustainable ground, thus liable to be dismissed.

Wing Commander (Retd) Dr Bishwanath Prasad Singh

General Secretary

Veterans Forum for Transparency In Public Life

Date 2/11/2024

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EXECUTION APPLICATION NO. 29 OF 2017

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....APPLICANT

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CHAPRA NAGAR NIGAM

....RESPONDENTS

AFFIDAVIT

I, Wing Commander (Retd.) Dr. Bishwanath Prasad Singh, age 74 years, S/O Late Rajnarayan Singh, R/O B124, Swarn Nagri, Greater NOIDA, Dist- G.B. Nagar (U.P.), General Secretary Veterans Forum for Transparency in Public life do hereby certify that contents of Para 1 to 5 are true to my knowledge and that I have not suppressed any material fact.

That, I am the Applicant in the accompanying application and as such fully conversant with the fact of the case and competent to swear this Affidavit.

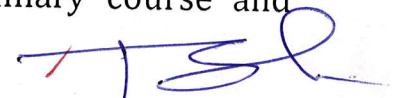

DEPONENT

VERIFICATION

Verified at Greatert Noida on this day of October 2024, that the contents of the above Affidavit are true and correct to best of my knowledge derived from records maintained by Applicant during its ordinary course and nothing has been concealed there from.



22nd
Attested
G.S. Attri (Advocate)
L. No.1209/
Notary (G. B. Nagar)


DEPONENT



REGISTERED
BIHAR STATE POLLUTION CONTROL BOARD
Parivesh Bhawan

Phone-0612-2261250/2262265, Fax-0612-2261050

E-mail: msbspcb-bih@gov.in, Website <http://bspcb.bihar.gov.in>

Ref. No.: - 153016

Patna, dated: - 21-08-24

From

Dr. D.K. Shukla,
Chairman.

To

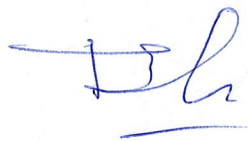
The Municipal Commissioner,
Chapra Municipal Corporation,
Chapra, Saran.

DIRECTION UNDER SECTION 31A OF THE AIR
(PREVENTION AND CONTROL OF POLLUTION) ACT, 1981,
AND SECTION 33A OF THE WATER (PREVENTION AND
CONTROL OF POLLUTION) ACT, 1974.

1. WHEREAS, the State Government has declared the entire State of Bihar as "Air-Pollution-Control-Area" under the provisions of section 19 of the Air (Protection and Control of Pollution) Act, 1981.
2. WHEREAS, you were required to obtain previous Environmental Clearance from State Environmental Impact Assessment Authority (SEIAA); 'Consent-to- Establish' (hereinafter referred to as CTE) and 'Consent-to- Operate' (hereinafter referred to as CTO) from Bihar State Pollution Control Board (hereinafter referred to as the 'Board') under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'Water Act'), and under section 21 of the Air (Prevention and Control of

Pollution) Act, 1981 (hereinafter referred to as 'Air Act') before establishing and operating the landfill site at Village- Arna, P.S. Amnor, Distrcit- Saran.

3. **WHEREAS**, the State Board evaluated the land site proposed by the Chapra Nagar Nigam as per the sitting criteria provided in the Solid Waste Management Rules, 2016, for developing a scientific landfill site. The state Board vide its letter dated 16.11.2023 directed you to obtain Environmental Clearance from the SEIAA for the said landfill, the competent authority for granting Environmental Clearance.
4. **WHEREAS**, a public complaint was made to the State Board wherein it has been alleged that unprocessed and mixed solid waste is being dumped at the landfill site without treating and processing the solid waste.
5. **WHEREAS**, the State Board vide its letter dated 01.08.2024 forwarded the said compliant to the District Magistrate, Saran, with copy marked to you, for taking suitable action in the matter.
6. **WHEREAS**, it is worth mentioning that in landfill site, only inert and reject waste shall be dumped and it should not be used as dumping site for dumping the unprocessed solid waste.
7. **WHEREAS**, operation of landfill site without a prior Environmental Clearance from SEIAA and without obtaining a valid CTE and CTO from the State Board is in violation of the mandatory provisions of the Water Act and Air Act and dumping of unprocessed and mixed solid waste is in violation of the prescribed rules of the Solid Waste Management Rules, 2024.



I, therefore, in exercise of power conferred by Section 31A of the Air (Prevention and Control of Pollution) Act, 1981, & Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, direct you to:

(i) Stop dumping of unprocessed and mixed solid waste at the landfill site;

(ii) File a compliance report within 15 days from the receipt of this notice, failing which Environmental Compensation shall be levied on you for violating the aforesaid direction.

Signed by

Devendra Kumar Shukla

Date: 20-08-2024 15:36:59
(D.K. Shukla)
Chairman

Copy to:

- (i) The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna, for information and necessary action.
- (ii) The District Magistrate, Saran, to ensure that the direction is complied immediately.

TSP