

Item No. 16

Court No. 1

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

M.A. No. 63/2024

In

Original Application No. 199/2023

Kapil Dev

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 13.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This MA has been registered on the basis of the report of the Joint Committee dated 14.02.2024.
2. The OA No. 199/2023 was filed by Applicant raising a grievance relating to the burning of garbage by the Municipal Corporation, Ludhiana, illegally dumping garbage and spreading solid waste in the premises.
3. The Tribunal by order dated 17.03.2023 had disposed of the OA by constituting a Joint Committee and directing the Joint Committee to prepare the course of action and file action taken report before the Registrar General of the Tribunal and to list the matter, if found necessary.
4. In pursuance to the above direction, the report dated 14.02.2024 was filed which is listed for consideration before the Tribunal today.

5. The report of the Joint Committee discloses as under:

“After considering the statements made by the officers present in the meeting and also considering the material facts, the Additional Deputy Commissioner (Khanna) has issued following directions:-

1. *District Mandi shall prepare a DPR regarding the waste management either in consultation with the Municipal Corporation, Ludhiana or its own and shall submit the same before the committee.*
2. *Mandi Board shall take action against the responsible persons for the burning of waste within 05 days and shall submit report to the committee.*
3. *Mandi Board shall submit the copy of agreement made with any contractor for the management of waste as well as details of the payment made to the contractor.*
4. *District Mandi shall prepare a DPR regarding the Bio-remediation of legacy waste management placed in the Sabji Mandi premises.*

A copy of English translation of the proceedings of the meeting held on 06.04.2023 is enclosed herewith as Annexure-A.

Submission of reports to Punjab Pollution Control Board being nodal agency.

The District Mandi Officer, Ludhiana and Municipal Corporation, Ludhiana had submitted reports to the Punjab Pollution Control Board as mentioned herein below:-

- a) *The Municipal Corporation, Ludhiana has provided copy of letter no. 7591/MOH/D dated 02.09.2022 wherein the fine of Rs. 37,55,000/- has been imposed upon District Mandi Officer, Ludhiana for violation of the Solid Waste Management Rules @Rs. 5000/ day for the period of violation of 751 days from 11.08.2020 to 01.09.2022. A copy of English translation of letter no. 7591/MOH/D dated 02.09.2022 of MCL is enclosed as **Annexure-B**.*
- b) *District Mandi Officer, Ludhiana vide letter no. 829 dated 25.04.2023 has informed the Environmental Engineer, Punjab Pollution Control Board, Ludhiana that the Mandi Board needed the help and assistance of MCL for disposal of legacy waste as adequate machinery is available with the corporation. The Mandi Board has earmarked the land for installation of compost plant and Mandi Board is already operating a plant in Sabji Mandi Phagwara in collaboration with CSIRCMERI, Ludhiana, wherein bricks are being manufactured out of the vegetable/fruit waste. The Mandi officer has further clarified in the letter that some miscreants has set the waste on fire in Sabji Mandi and the Mandi Board has lodged a complaint with Police Station, Jodhewal, Ludhiana. A copy of English translation of letter no.829 dated*

25.04.2023 of District Mandi Officer, Ludhiana alongwith enclosures is enclosed herewith as **Annexure-C**.

Visit by the Punjab Pollution Control Board

The site of Sabji Mandi, Ludhiana was visited by the officer of the Board on 07.12.2023 and Secretary of Market committee was contacted. It was observed that the fruit and vegetable waste is being disposed of by the Mandi Board through an independent contractor. The secretary Mandi Board has provided a copy of agreement dated 31.03.2023 executed between Market committee, Ludhiana and M/s The Gill co-operative L&C society for cleanliness of Sabji Mandi area and for lifting of waste in accordance with the Solid Waste Management Rules, 2016. The Secretary informed that this agreement was inadvertently not produced during the meeting of the joint committee held on 06.04.2023 by the District Mandi Officer. The visiting officer however observed that heap of waste is lying in the Mandi premises. The Secretary Mandi Board ensured to clear the waste. No burning of waste was observed in the Mandi area.

Action taken by the Board

In view of the above facts of the case, the Board has issued following directions to District Mandi Officer, Ludhiana vide letter no. 375-76 dated 16.01.2024:-

a) Punjab Mandi Board shall process the legacy solid waste as well as the fresh waste as per the provisions of Solid Waste Management Rules, 2016.

b) Punjab Mandi Board shall provide adequate arrangements for management of solid waste which may include installation of mechanical composter or composting pits or any other mechanism, immediately.

c) Punjab Mandi Board shall properly handle and manage the solid waste as per the provisions of the Solid Waste Management Rules, 2016 and ensure that the solid waste is segregated & disposed off in an environmentally sound manner.

d) Punjab Mandi Board shall ensure that there are no usages of single use plastic- thermocol disposable items such as water bottles/water pouches/water cups, plates, forks, spoons, straw etc. and single use decorating material made of plastic-thermocol or any other non-biodegradable material in the premises.

Submission of the status/ action taken report

The Status/Action Taken Report of Joint Committee is hereby submitted in compliance to order dated 17.03.2023 passed in O.A No. 199 of 2023 for kind perusal and consideration of the Hon'ble National Green Tribunal.”

6. The above report reveals the action which is required to be taken by the Punjab Mandi Board in compliance of the direction in the report of

the Joint Committee and the responsibility of the Municipal Corporation, Ludhiana. Hence, we implead the following as respondents in this MA:

- (1). Punjab Pollution Control Board through its Member Secretary.
- (2). Deputy Commissioner, Ludhiana.
- (3). Municipal Corporation, Ludhiana through the Chief Executive Officer.
- (4). Punjab Mandi Board through its Chairman.

7. Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing.

8. List on 25.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 13, 2024
M.A. No. 63/2024
In Original Application No. 199/2023
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