

Item Nos. 08 & 09

Court No. 1

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

Original Application No. 172/2021

Poonam Yadav

Applicant

Versus

M/s Ecogreen Energy Private Limited & Ors.

Respondent(s)

**WITH**

Original Application No. 109/2022  
(IA No 757/2023)

Vivek Kamboj

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 03.09.2024

**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**

Applicant: Mr. Rahul Choudhary & Ms. Itisha Awasthi, Advs. for Applicant in OA  
109/2022

Respondent: Mr. Rahul Khurana, Adv. for HSPCB, MCG & MCF with  
Mr. Narhari Banger, Commissioner, Municipal Corporation Gurugram,  
Ms. Dwiza, HCS - JC - SBM - Faridabad  
Mr. Akhilesh Yadav, JC - SBM  
Mr. Raj Kishan, AE - SBM  
Mr. Rakesh Joon, AE, MCG  
Mr. Sarjit Singh, JE, MCG  
Mr. Anil Mehta, Consultant - MCG  
Mr. O.P. Goyal, Consultant - MCG  
Mr. Raj Kumar, Adv. for CPCB (Through VC)

**ORDER**

1. In this original application, the Tribunal is considering the issue of failure to comply with the environmental norms and the solid waste disposal Rules in handling and disposing off the legacy waste at Bandhwari landfill site at Gurugram.

2. By the previous order dated 17.05.2024, the Tribunal had required the Municipal Corporation Gurugram (MCG)/Municipal Corporation Faridabad (MCF) to file a fresh consolidated action taken report clearly disclosing the progress of clearing the legacy waste from the site in question and also requiring the MCG to disclose the details of bulk waste generator within its limit and compliance of the Rules by them. Both the local bodies were directed to furnish details of daily waste being processed by them besides legacy waste and provide status on the quantity of waste generated and processed.

3. The action taken report dated 30.08.2024 has been filed by the MCG disclosing the details of legacy waste and its processing in MCG and MCF as under:

“

<i>Sr. No</i>	<i>Description</i>	<i>Quantity in Lac MT</i>
1	<i>Total legacy waste assessed in January 2023</i>	30.43
2	<i>Fresh waste received from Jan 2023 to Dec 2023</i>	6.06
3	<i>Fresh waste received from Jan 2024 to 30<sup>th</sup> August, 2024</i>	3.82
<b><i>Total waste received (A)</i></b>		<b>40.31</b>
4	<i>Waste Processed from Jan 2023 to Dec 2023</i>	16.50
5	<i>Waste Processed from Jan 2024 to 30<sup>th</sup> August, 2024</i>	14.22
<b><i>Total waste processed (B)</i></b>		<b>30.72</b>
<b><i>Balance waste to be processed as on 30.08.2024 (A-B = C)</i></b>		<b>9.59</b>

**3. Bulk Waste Generators in MCG:** - MCG has so far identified 1681 Bulk Waste Generators, generating 228 TPD MSW. BWGs are supposed to manage their waste within their own premises as far as possible as per SWM Rules 2016, but only 400 BWGs are managing of 62 TPD MSW. To identify more BWGs and to motivate the BWGs,

MCG has empanelled 25 expert agencies which are providing support to BWGs to manage their waste as per SWM Rules 2016. MCG has set the following timelines for managing the waste at their own by all BWGs, with the help empanelled agencies:

<b>Sr. no.</b>	<b>Description</b>	<b>Timeline/Target Date</b>
i.	Survey for identification of all BWGs has been started and will be completed.	30.11.2024
ii.	Compliance of SWM Rules by 50 % BWGs	31.01.2025
iii.	Compliance of SWM Rules by 60 % BWGs	28.02.2025
iv.	Compliance of SWM Rules by 75 % BWGs	31.03.2025

#### **4. Bulk Waste Generators (BWGs) in MCF**

MCF has so far identified 563 Bulk Waste Generators, generating 85 TPD MSW. BWGs are supposed to manage their waste within their own premises as far as possible as per SWM Rules 2016, but only 181 BWGs are managing of 45 TPD MSW. To identify more BWGs and to motivate the BWGs, MCF has empanelled 5 expert agencies who are providing support to BWGs to manage their waste as per SWM Rules 2016. MCF has set the following timelines for managing the waste at their own by all BWGs, with the help empanelled agencies:

<b>Sr. no.</b>	<b>Description</b>	<b>Timeline/Target Date</b>
i.	Survey for identification of all BWGs has been started and will be completed.	30.11.2024
ii.	Compliance of SWM Rules by 50 % BWGs	31.01.2025
iii.	Compliance of SWM Rules by 60 % BWGs	28.02.2025
iv.	Compliance of SWM Rules by 75 % BWGs	31.03.2025

In order to achieve the above targets following steps are being taken:

### **3.1 Segregation, Collection, Transportation and Processing of MSW as per SWM Rules and Guidelines issued by CPCB and SBM.**

#### **3.1.1 Segregation in MCG & MCF: -**

<i>Corporation</i>	<i>Present status of segregation</i>	<i>Gap</i>	<i>Timeline to achieve the target</i>
<i>MCG</i>	<i>15%</i>	<i>85%</i>	<ul style="list-style-type: none"> <li>●30 % by 31.12.2024</li> <li>●50 % by 31.03.2025</li> <li>●75 % by 30.06.2025</li> <li>●90 % by 30.09.2025</li> <li>●100 % by 31.12.2025</li> </ul>
<i>MCF</i>	<i>20%</i>	<i>80%</i>	

**3.1.2 Action Plan and timeline to achieve the above targets:**

<i>Sr .No.</i>	<i>Content</i>	<i>Timeline</i>
<i>1.</i>	<i>MCG has empanelled 8 NGOs for conducting IEC activities regarding management of Solid Waste Including Source Segregation, Regular IEC activities are conducted and monitored by respective Joint Commissioners.</i>	<i>Already Engaged and will continue.</i>
<i>2.</i>	<i>First priority for segregation of the waste will be Bulk Waste Generators. An online BWG MIS Portal has already been launched by MCG for registration of BWGs and is being monitored at ICCG in GMDA office Gurugram.</i>	<i>System already in place and is being monitored.</i>
<i>3.</i>	<i>206 BWGs have already been registered and are being monitored on BWG MIS Portal. 08 resource persons have been deployed by MCG for inspection and monitoring of BWGs.</i>	<i>NA</i>
<i>4.</i>	<p><i>a) Promoting healthy competition among Resident Welfare Associations to maintain cleanliness standard, an award of Rs. 1.0 Cr. and Rs. 50 Lac is proposed for development works to be given to 2 wards after due assessment by the independent agency, every two months.</i></p> <p><i>b) An award of Rs 5000/- will also be given to efficient Sanitation Worker in each ward of MCG every month.</i></p>	<p><i>01.08.2024</i></p> <p><i>TO</i></p> <p><i>31.12.2025</i></p>
<i>5.</i>	<i>Non complying of SWM Rules shall be penalized and the name of violators will be published in News Papers and on Social Media to force them to comply with SWM Rules.</i>	<p><i>01.08.2024</i></p> <p><i>TO</i></p> <p><i>31.12.2025</i></p>

6.	<i>MCG has empanelled 25 expert agencies to facilitate and support BWGs for their waste management.</i>	NA
7.	<i>The BWGs will be penalized by MCG for non-compliance of SWM Rules as per orders passed on 26.07.2024 by Hon'ble NGT in OA 458 of 2023 regarding environmental compensation. A fine of Rs. 25000/- will be imposed in case of first instance of violation and Rs. 50000/- in case of any further instances of violation.</i>	01.10.2024 ONWARDS

**5. Present status of Waste Processing and Short Term Action Plan of MCG:**

The present combined capacity of waste processing is 254 Tons Per Day (TPD), whereas the waste generation is 1200 TPD. To address the remaining 946 TPD of waste, short-term action plan is proposed as under:

<b>Augmentation of Fresh MSW processing &amp; next steps</b>				
<b>S. No.</b>	<b>Operational processing facilities in Gurugram</b>	<b>Processing Status as on 13.05.2024 (TPD)</b>	<b>Processing Status as on 30.08.2024 (TPD)</b>	<b>Augmented Processing to be achieved by 31.12.2024 (TPD)</b>
1	Processing by BWGs	30	62	125
2	Beri Bagh MRF cum composting site	40	90	110
3	Badshahpur MRF cum composting site	40	50	125
4	Sector-44 MRF cum composting site	38	50	50
5	Opposite Paras Hospital MRF cum Bio-Gas	2	2	5
<b>Total</b>		<b>150</b>	<b>254</b>	<b>415</b>

**6. Present status of Waste Processing and Short Term Action Plan of MCF:**

The present combined capacity of waste processing is 254 Tons Per Day (TPD), whereas the waste generation is 1200 TPD. To address the remaining 946 TPD of waste, short-term action plan is proposed as under:

<b>Sr. No.</b>	<b>Ways for reducing untreated waste being sent to Bandhwari SLF</b>	<b>Processing (as on 13-05-2024)</b>	<b>Processing (at present)</b>	<b>Augmented Processing Capacity (31.12.2024)</b>
1.	Dry waste recovery	95 TPD	120 TPD	150 TPD
2.	Decentralised Waste Processing at Mujeri	80 TPD	100 TPD	120 TPD
3.	Decentralised Waste Processing at Pratapgarh	30 TPD	140 TPD	200 TPD
4.	Waste Processing by BWGs	30 TPD	45 TPD (from 181 complying units)	75 TPD (from 400 BWGs)
5.	Bio methanation plant	5 TPD	5 TPD	5 TPD
	<b>Total</b>	<b>240 TPD</b>	<b>410 TPD</b>	<b>550 TPD</b>

4. The timeline for clearing the waste from the Bandhwari landfill site has been disclosed in the report as under:

<b>Sr. No.</b>	<b>Particular(s)</b>	<b>Timeline</b>
1.	100% waste management of legacy waste.	31.12.2024
2.	MoU has been signed with NVVNL for setting up of Waste Processing Plant (Torrefied Charcoal) in Gurugram with a capacity of 1500 TPD.	Already signed on 20.07.2024
3.	Handing over of Land at Bandhwari to NVVNL for construction of the processing plant .	01.01.2025
4.	Construction of Waste Processing Plant (Torrefied Charcoal) plant in Gurugram with a capacity of 1500 TPD by NVVN.	01.03.2025. To 31.10.2026
5.	Testing of Torrefied Charcoal plant in Gurugram.	01.11.2026 to 15.12.2026

6.	<i>Commissioning of Torrefied Charcoal Plant at Bandhwari, Gurugram.</i>	16.12.2026
7.	<i>Processing of fresh waste expected to be generated from Jan 2025 to Dec 2026 at existing facility at Bandhwari.</i>	01.01.2025 to 31.12.2026

5. Learned Counsel for the Applicant referring to the photographs Annexure A-3 filed along with the additional affidavit dated 02.09.2024 has submitted that during this monsoon season, there was excessive flowing of leachate from the landfill site to the nearby areas and even to the road by the side of the landfill. In this regard, he has also referred to the letter dated 29.08.2024 sent by the Divisional Wildlife Officer, Gurugram to the CCF (WL) Annexure A-2 stating that the municipal waste and leachate had flown even to the forest area. The relevant extract of the said letter is as under:

*“xxx .....xxx.....xxx  
The undersigned inspected the area again on dated 28.08.2024 and found that the land and the water pond just behind the landfill inside forest area is encroached with municipal waste and leachate. This entire landscape of Aravalli have rich biodiversity with good number of wildlife like Leopard, Hyena, Jackal, Jungle Cat, Rusty Spotted cat etc. And these type of activities inside forest area may be life threat for Wild Animals.”*

6. In the reply of the HSPCB dated 15.05.2024, the results of groundwater analysis of that area were mentioned which reveal that at almost all the locations the results were found to be beyond the prescribed parameters. With the flowing of leachate during the current monsoon season, the groundwater must have been further contaminated. Therefor, a fresh report in respect of the quality of groundwater in the area concerned is required.

7. Hence, we direct the CPCB to obtain the samples of the groundwater from the locations which are mentioned in the reply of the

HSPCB dated 15.05.2024, get it tested and analysed and submit the analysis report before the Tribunal along with the next report.

8. Since, the documents filed by the Applicant clearly reveal that the leachate has flown outside the landfill and that even the solid waste and leachate has spread over the forest area, therefore, appropriate action of imposition of environmental compensation is required to be taken by the HSPCB for this violation as well as the past violation of not clearing the landfill site till now.

9. Hence, Member Secretary, HSPCB is directed to take appropriate punitive action and file a report by way of affidavit at least one week before the next date of hearing.

10. List on 17.12.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 03, 2024  
Original Application No. 172/2021  
Original Application No.109/2022  
(IA No 757/2023)  
dv..