

DELHI POLLUTION CONTROL COMMITTEE

Legal Cell

Subject: Application Number 199 of 2014 titled as, "Almitra H Patel & Others vs Union of India and Others" (NGT)

In Re: Implementation of MSW / Fly-ash

Please find enclosed herewith copy of the order dated 10.04.2017 passed by the Hon'ble National Green Tribunal for perusal, records and providing compliance. This was uploaded on the website on 12.04.2017.

Encl: as above


(Dinesh Jindal)
Law Officer

Dated-13.04.2017

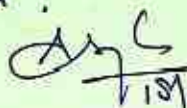
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- SEE(CMC-I)
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- SEE(CMC-V)
- SEE(WMC-I)

WTE Gazipur is also in
-the list. No take n/a required.

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Sh./SS

Order may be send to IT Cell, DPCC
to place it on website of DPCC with
highlight it for all concerned.


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SEE(WMC-II)

Specs for n/s
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SEE(IT)

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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 199 of 2014

And

Original Application No. 61 of 2017
(Earlier OA No. 199 of 2014)

And

Original Application No. 281 of 2016
(M.A. No. 1007/2016 & M.A. No. 395/2017)

IN THE MATTER OF:

Almitra H. Patel & Anr. Vs. Union of India & Ors.

&

Kudrat Sandhu Vs. Govt. of NCT & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant :

Respondent

Mr. Mandeep Kalra, Adv.
Mr. Arun Monga, Ms. Divya Sharma and Mr. Suryajyoti Singh Paul, Adv.
Mr. Gautam Singh and Mr. Rudreswar Singh, Adv.
for State of Bihar and Bihar SPCB
Ms. Priyanka Sinha, Adv. for State of Jharkhand
Ms. K. Enatoli Sema, Mr. Amithj and Mr. Amit Kumar Singh, Adv.
for the State of Nagaland and Pollution Control Board
Ms. Deep Shikha Bharati, Adv. for MoEF
Mr. Debarshi Bhuyan and Mr. S.S. Rebello, Adv. for State of Goa and Goa SPCB
Mr. Kaustav Som, Adv.
Mr. Anil Soni, AAG and Mr. Naginder Benipal, Adv.
Mr. Om Prakash, Adv. for Shahdara, Vivek Vihar and Anand Vihar Railway Station
Mr. Hemantika Wahi and Mr. Kabir Hathi, Adv.
for State of Gujarat
Mr. R. Rakesh Sharma and Mr. S. Anand, Adv.
for State of TN & TNPCB
Ms. Aprajita Mukherjee, Adv.
Mr. Pradeep Misra and Mr. Daleep Dhyani, Adv. for Uttar Pradesh Pollution Control Board
Mr. G.M. Kawoosa, Adv. for State of J&K
Dr. Abhishek Atrey and Ms. Megha Tyagi, Adv.
and Mr. Vikas Malhotra, Adv. for Ministry of Environment, Forest and Climate Change
Dr. Abhishek Atrey, Adv. for UT of Lakshadweep
Mr. S. Sukumaran, Mr. Anand Sukumar and Mr. Bhupesh Kumar Pathak, Adv.
for Municipal Corporation of Gr. Mumbai
Mr. Abhimanyu Garg and Ms. Preety Makkar, Adv. for UT of Puducherry
Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Adv. for RSPCB
Mr. D.K. Thakur, AAG with Ms. Seema Sharma, Dy. AG for State of Himachal Pradesh
Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh
Mr. Jogy Scaria, Adv. for Kerala State Pollution Control Board
Mr. Nishe Rajen Shonker, Adv. for State of Kerala and Ms. Abraham C. Mathiws, Adv.
Mr. Anil Grover, AAG with Mr. Rahul Khurana Adv. for State of Haryana and Haryana Pollution Control Board
Mr. Edward Belho, AAG, Mr. K. Luikang Michael and Ms. Elix Gangmei, Adv.
for State of Nagaland
Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv.
for State of AP
Ms. Asha Basu and Mr. Amit Agarwal, Adv.
for West Bengal Pollution Control Board
Mr. A.K. Panda and Mr. Manoranjan Paikaray, Adv.
for Odhisha SPCB
Mr. Tayenjam Momo Singh and Mr. Amith J., Adv.
for Meghalaya SPCB
Ms. Aruna Mathur, Mr. Amit Arora, Ms. Anuradha Arputham and Mr. Avneesh Arputham, Adv.
for State of Sikkim

Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anirudh Chadha and Ms. Arpita, Advs. for Delhi Development Authority
 Mr. Shuvodeep Roy and Mr. Sayooj Mohandas, Advs. for State of Assam and Assam PCB
 Mr. V.K. Shukla with Ms. Vijay Lakshmi, Advs. for State of MP
 Mr. Vijay Panjwani, Adv. for Central Pollution Control Board
 Mr. Anil Shrivastav, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs.
 Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Charan Jeet Singh, Advs.
 Mr. Rajul Shrivastav, Adv. for MPPCB
 Ms. Yogmaya Agnihotri, Adv. for CECB
 Mr. Sarthak Chaturvedi and Mr. Shubham Jaiswal, Advs. for Andaman & Nicobar Island
 Mr. Balendu Shekhar, Adv. with Mr. R.K. Maurya, Adv. for East Delhi Municipal Corporation,
 Mr. Jayesh Gaurav, Adv. for JSPCB
 Mr. Biraja Mahapatra, Adv. with Mr. Dinesh Jindal, LO for Delhi Pollution Control Committee
 Mr. B.V. Niren, Adv. for MoUD
 Mr. Nikhil Nayyar and Ms. Smriti Shah, Advs. for APPCB and Telangana State Pollution Control Board
 Mrs. D. Bharathi Reddy, Adv. for State of Uttarakhand
 Mr. Gopal Singh Mr. Rituraj Biswas, Ms. Varsha Poddar and Mr. Kumar Milind, Adv. for State of Tripura
 Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, Adv. for PPCB
 Ms. Sakshi Popli, Advs. for NDMC & DJB with Ms. Pritika Singh
 Ms. Shibani Ghosh Chowdhary, Adv. for State of Maharashtra, Dept. of UD
 Mr. Mukesh Verma and Mr. Bikash Kumar Sinha, Advs.
 Mr. Sunny Choudhary, Adv. for MPPCB

Date and Remarks	Orders of the Tribunal
<p>Item No. 01 to 03</p> <p>April 10, 2017</p> <p>ss</p>	<p>The Interim reports by the committee constituted under the orders of the Tribunal have been filed.</p> <p>From the report, it is evident that the large number of Hospitals, Hotels, Bus Stands, Railway Stations, Government Colleges, other Government entities and other public buildings are found to be defaulting. The reports are definite in their expression that the corporate sector entities have not only failed to discharge their obligations under the laws of environment, but have even failed to perform their corporate social responsibility. These large government institutions and corporate sectors are expected to contribute towards betterment of the society and ensure that the municipal solid waste particularly is handled, transported and disposed of in accordance with</p>

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Solid Waste Management Rule, 2016. For years they have persisted with their defaults causing tremendous environmental pollution and adverse impacts on the public health.

In the reports submitted by the Committee, it has specifically pointed out the deficiencies, shortcomings and the defaults committed by both the Government and Corporate sectors. The corporate sectors in particular are expected to contribute towards betterment of the society and ensure that the surrounding areas to their place of business are also kept clean in the interest of environment and public health and particularly in relation to municipal solid waste which is a menace as far as the NCT, Delhi is concerned. It has been noticed in the main judgment itself the generation of municipal solid waste is 14100 MT and these major corporate sectors and important public authorities are major contributors of such waste. Therefore, they must discharge their statutory public law and duties for protecting the environment. On the basis of the report we issue Notice to show cause as to why the environmental compensation not exceeding Rs. 50 Lakh be not imposed on these defaulters and why the concerned Board be also not directed to launch prosecution under the Environmental Protection Act, 1986; Solid Waste Management Rule, 2016 and other laws in force.

Notice will be issued to the followings :-

Hospitals :-

1. Max Super Speciality Hospital, Patparganj
2. Dr. Hedgewar Arogya Samasthan, Karkarduma
3. IG ESI Hospital, Jhil Mill Colony, East Delhi
4. GTB Hospital, Dilshad Garden

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5. Swamy Dayanand Hospital, Dilshad Garden
6. Jag Pravesh Chandra Hospital, Shastri Park
7. Lal Bahadur Shastri Hospital, Khichripur
8. Chacha Nehru Bal Chikistalaya, Geetha Colony
9. Dharamshila Cancer Hospital & Research Institute,
Vasundhara Enclave
10. RML Hospital
11. Lady Harding Hospital
12. Kalawati Saran
13. LNJP Hospital
14. Fortis Hospital, AB Block
15. Safdarjung Hospital

Hotels :-

1. The Leela Ambience Convention Hotel, Surajmal
2. Ginger Hotel, Vivek Vihar, East Delhi
3. Park Plaza, Karkarduma Court
4. Golden Palm, Patparganj
5. Lemon Tree Hotels, East Delhi Mall
6. Park Inn By Radison, Patparganj
7. JP Hotel & Resort, Patparganj, I.P. Extension
8. Holiday Inn., Mayur Vihar
9. Crown Plaza, Mayur Vihar
10. Fraser Suites, Mayur Vihar, Phase-I
11. Golden Petal Hotel & Banquet, Shiv Puri, Geeta
Colony
12. Hotel Taj Vivanta
13. Hotel Royal Plaza
14. Hotel Taj Palace
15. Hotel Ashoka
16. Hotel Samrat
17. Hotel Lalit
18. Hotel Metropolitan
19. Hotel Leela Palace
20. M/s. Lillywhite Hotel
21. M/s. G.K. Motel Pvt. Ltd.
22. Zorba Entertainment Pvt. Ltd.
23. M/s. Mapple Exotica, A unit of Nine Dimension
Hotel and Resort
24. M/s. Radiance Motel, A Unit of Radiance Motels

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Colleges :-

1. Shaheed Sukhdev College of Business Studies, Vivek Vihar
2. Vivekanand Mahila College, Vivek Vihar
3. Shyam Lal College, Shahdara
4. Delhi Technological University

Malls :-

1. V3S East Centre Mall, Lakshmi Nagar
2. Cross River Mall (EPMS), Shahdara
3. Aggarwal Fun City Mall, Shahdara
4. Park Plaza, East Delhi
5. DLG Galleria, Mayur Vihar
6. Star City, Mayur Vihar, Phase-I Extension

Railway Stations:-

1. Shahdara Railway Station
2. Vivek Vihar Railway Station
3. Anand Vihar Railway Station
4. Shakurbasti Railway Station

Bus Terminals:-

1. Anand Vihar ISBT
2. Shahdara Bus Terminal
3. DTC Bus Depot, Rohini Sector-3
4. DTC Bus Depot, Nangloi

Waste to Energy Plant:-

1. Ghazipur

Residential Societies:-

1. Jhang Society
2. Ekta Enclave
3. Delhi Citizen Society
4. Bharat Apartment
5. Residential Society, Police Colony
6. Ghalib Memorial Cooperative GP Housing Society
7. Jawaharlal Nehru Cooperative GP Housing Society
8. Neelkanth Apartments
9. Printer Society, Rohini

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Notice to all the above defaulters shall be issued by the Registry without process fee.

The Pollution Control Boards/Committee i.e. Delhi Pollution Control Committees, Uttar Pradesh Pollution Control Board and Haryana Pollution Control Board shall ensure that the service is effected on all these above Hospitals, Hotels, Schools, Colleges, Malls, Railway Stations, Bus Terminals and Waste to Energy Plant, Ghazipur. All these Noticees would be required to file their replies within two weeks from today. The report of the Committee shall be put up on the website of the Pollution Control Boards as well as on the website of NGT. All the Noticees would be entitled to download the same and file their response within the time granted by the Tribunal. The Notices shall be issued by the Registry within two days from today. They shall also display list of the Noticees on the Website of the NGT. The Registry will maintain a separate file for each of these Noticees with the copy of this order and the orders of appointing committees for inspection. The Committees are also directed to file final report in the meanwhile.

List this matter for further directions on 25th April, 2017.

The date fixed for tomorrow stands cancelled.

M.A. No. 395 of 2017

Issue Notice to the Non-Applicants. They be furnished with the copy of the application. Response thereto be filed within two weeks from today.

List on 25th April, 2017.

	<p>Item No. 01 to 03</p> <p>April 10, 2017</p> <p>ss</p>	<p><u>M.A. No. 1007 of 2016</u></p> <p>This application be also listed on 25th April, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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