

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL  
BENCH, BHOPAL**

**M.A.No. 09/2015**

in

**Original Application No. 111/2013 (CZ)**

**Dr. Subhash C. Pandey Vs. Municipal Corporation, Bhopal & Ors.**

and

**Original Application No. 36/2014 (THC) (CZ)**

**Sarvajanik Jankalyan Parmarthik Nyas v. State of M.P. & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT :**

<b>Applicant :</b>	<b>None.</b>
<b>Respondent No. 1 :</b>	<b>Shri Vivek Agarwal, Adv. Shri Sanjay Kumar, Addl. Commissioner</b>
<b>State of MP :</b>	<b>Shri Sachin K. Verma, Adv.</b>
<b>Respondent No. 3 &amp; CEGB :</b>	<b>Ms. Parul Bhadoria, Adv. for Shri Purushaindra Kaurav, Adv.</b>
<b>Respondent No. 9 :</b>	<b>Shri Om S. Shrivastav, Adv.</b>
<b>Respondent No. 10:</b>	<b>Shri Om. S. Shrivastav for Shri Sunil Shrivastav, Advocate</b>
<b>State of Chhattisgarh :</b>	<b>Shri Ranjeet Dwivedi for Shri S.S. Chauhan, Adv.</b>
<b>State of Raj. &amp; RSPCB :</b>	<b>Shri Sandeep Singh, Adv.</b>
<b>BMC in O.A. No. 36/2014:</b>	<b>Shri Neel Choudhary, Adv. for Shri Vijay Choudhary, Adv.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 6 &amp; 7  08<sup>th</sup> January, 2015</b>	<p>In pursuance of our order, following officers, who worked in the past as Municipal Commissioners, BMC are present in person</p> <p>(i) Shri Gulshan Bamra (ii) Shri Manish Singh (iii) Shri Rajesh Shrivastav</p> <p>Reply to the show cause notice has been submitted by Shri Tejaswi Naik present Municipal Commissioner, BMC. The same is ordered to be taken on record.</p>

**M.A. No. 09/2015**

Shri Sachin K. Verma, Learned Counsel appearing for the State has filed M.A. No. 09/2015 to take on record the compliance report on the steps taken so far pursuant to the last order passed by the Tribunal on 24.11.2014. The said M.A. is allowed and the documents, reports as well as the minutes of meeting are ordered to be taken on record.

From the documents which have been submitted on record, it is found that in the State of MP the policy which has been adopted is for having a cluster based approach for location of landfill sites. One such site shall be located at Adampur Chawani near Bhopal so as to take care of the Urban areas of Ashta, Berasia, Ichhawar, Kolar, Kothri, Mandideep, Obedullaganj, Sehore & Bhopal. A flow chart has also been submitted to give an idea with regard to the preparation and completion and the necessary steps to be taken for the same for establishing new landfill site at Adampur Chawani near Bhopal as also for closure of the existing MSW dumping site at Bhanpur. As per the aforesaid flow chart a time period of approximately 30 months has been envisaged for the aforesaid purpose starting from January 2015.

During the course of hearing it was submitted by Shri Sachin K. Verma, Learned Counsel appearing for the State that in the flow chart that has been prepared time schedule anticipated for relocation of the existing families residing at Adampur Chawani who are likely to be

affected, has been given as 8 months. However, Shri Vivek Agarwal, Learned Counsel for the BMC stated that they would take all necessary steps for doing the needful within 3 months. It was submitted that for this purpose identification of the families to be affected has already been done by way survey and also the site at Hirapur near Bhopal has been identified by giving one piece of land per family for being relocated and shifted. The Municipal Corporation has also taken a decision to provide all necessary assistance by way of transportation etc. of the material and household goods of each of the affected families. Financial assistance has also been agreed in principle to be given to the surveyed families.

He further submits that at Hirapur necessary infrastructure by way of construction of approach roads as well as providing electricity and water connection to each of the affected families to be relocated at the said site will be taken up. We have noted the fact that earlier in the year 2011 application for grant of Environmental Clearance had been submitted to SEIAA and it was directed by the SEIAA to first go ahead and complete the formalities with regard to the relief and relocation. It has taken more than 3 years since then but the process could not be completed which is unfortunate. In such matters there should always be a sense of urgency as already there was a default in compliance of the rules by more than 10 years as the Municipal Solid Waste (Management & Handling) Rules, 2000 which were required to have been complied in each of the Municipalities within a time frame as directed in the Rules

i.e., by the end of December, 2003. Be that as it may, since necessary steps have been initiated and commitment has been made before this Tribunal by the Respondents for dealing with the aforesaid issue and completing the task within 30 months as given in the accompanying flow chart it has to be seen by us how best and how soon necessary steps in this behalf are taken. It has been submitted by Shri Sachin K. Verma that overall in-charge of monitoring the progress with regard to each of the tasks and works to be undertaken has been assigned to the Commissioner, UADD who would be regularly convening the meetings and taking progress reports from the concerned officers.

Shri Sachin K.Verma is directed to submit the progress report with regard to the implementation of MSW Rules in the remaining towns / municipalities / clusters which may have been identified in the State of Madhya Pradesh on or before the next date of hearing.

We have perused the response submitted by the State of Rajasthan with regard to the implementation of the Municipal Solid Waste (Management & Handling) Rules, 2000 in the State of Rajasthan. Shri Sandeep Singh, Learned Counsel appearing for the State of Rajasthan submitted that in the State of Rajasthan also cluster based approach has been, in principle, agreed to be adopted and out of the 184 municipalities in the State, 111 have been identified for formation of 14 clusters. He has also submitted a detailed compilation and letter dated 23.09.2014 written by the Principal Secretary, Urban Development to all

the District Collectors with the said chart for doing the needful including acquisition of land, etc. for the establishment of landfill sites in their respective jurisdiction. We would like the State of Rajasthan to indicate and submit before this Tribunal the progress made after 23.09.2014 in their respective jurisdiction with regard to individual land fill site / clusters which have been identified in the State of Rajasthan. We would accordingly direct the State of Rajasthan to submit before us the progress made and also the flow chart showing the duration and the steps to be taken with the responsibility of the persons concerned to be indicated therein for each such step.

Let the matter be listed on **16<sup>th</sup> March, 2015.**

.....,JM  
**(DALIP SINGH)**

.....,EM  
**(P.S.RAO)**