

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

Original Application No. 111/2013

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 : Applicant : Dr. Subhash C. Pandey
Respondent No. 1 : Shri Vivek Agarwal, Adv.
Shri Asad Ullah Khan, Adv.
Shri Sanjay Kumar &
Shri D.K.Bhavsar, Adv.
Respondent No. 2 : Shri Sachin K.Verma, Adv.
Respondent No. 3 : Ms. Parul Bhadoria, Adv. for
& CECB : Shri Purushaindra Kaurav, Adv.
Respondent No. 10: Shri Sunil Shrivastav, Advocate
State of Chhattisgarh : Shri S.S. Chauhan, Adv. with
CPCB, RSPCB : Shri Sandeep Singh, Adv.
Shri K.K.Sharma, CE
MoEF : Shri Om S. Srivastav, Advocate
Municipal Corporation Bhopal : Shri Neel Choudhary, Adv. for
(in O.A. No. 36/2014) Shri Vijay Choudhary, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 9 & 10 18th November, 2014	<p>This case has been listed pursuant to our order dated 10.11.2014. The Bhopal Municipal Corporation (BMC) has submitted their reply to the show cause notice today. At present we do not wish to go into the whole issue regarding the unauthorized use of the Bhanpur Khanti contrary to the Municipal Solid Waste (Management and Handling) Rules, 2000. Those issues shall be dealt with at an appropriate stage. At present we deal with regard to the future plans in establishing landfill site at an alternate / new site.</p> <p>It has been submitted that the new site being developed has been identified at Adampur Chawni and allotment of land in favour of the BMC made by the District Administration. Learned Counsel appearing for the BMC submitted that for development of the new landfill site at</p>

Adampur a period of, 24 months would be required. The BMC is accordingly directed to submit a flow chart with the proposed steps for the preparation and development of the site and the time frame for each of the steps that are required to be taken indicating the dates approximately from which each of such steps shall be commenced and which authority is required to take necessary action in that behalf so that correspondingly the concerned authority of the Government or the authority under the Environmental Act or the MoEF can also be simultaneously apprised with regard to the urgency of the matter. The efforts on the part of the all the duty holders should be of adopting a 'solution based approach' and in case there are any hurdles in the same they would themselves suggest and find out the possible solutions in the given facts and circumstances so that atleast no delays from now onwards occur in this behalf.

It has been brought to our notice that around the proposed site at Adampur, there are roughly 90 odd families residing who need to be shifted and rehabilitated. The Learned Counsel for the State assured us that the State under its existing policy and all other powers enabling in that behalf, shall make efforts for rehabilitation of all the affected families. As was given out that certain sites which are about 2 kms. from the proposed site at Adampur are under development where works pertaining to laying of internal roads, electricity and water connection are already taken up and therefore some 90 odd plots shall be kept reserved for rehabilitation of the aforesaid affected families. The Learned Counsel for the Municipal Corporation as well as Learned Counsel for the State submitted that the District Administration and the BMC shall provide all the necessary assistance including transportation facilities for shifting of the material and household affects of the affected families to the new site and efforts will be made for grant of financial assistance to the affected parties so that they may be in a position to construct a reasonable dwelling unit for themselves at the newly allotted site. It is also given out that facilities of electricity

connection and water connection shall also be provided and keeping in view the programme under the 'Swachh Bharat Abhiyan' mandatorily the toilet facilities either for individual family or with common facilities shall also be provided.

For development of the new landfill site at Adampur it has been submitted that as the first step for securing the site by way of fencing of the core area shall immediately be commenced and simultaneously the outer perimeter shall be developed with plantation of sufficient width and suitable variety of trees which would act as a barrier for the site should be taken up. Outside the plantation area an additional buffer zone with 'No Construction Zone' for residential/institutional area shall also be provided

It has been given out that as per the present estimate the site of Adampur would have a life span roughly 20 years but steps would be taken for the improvement of technology and by adopting better means on a futuristic approach for conversion of waste to energy so that the new site can serve for a long duration. It has been submitted that the Detailed Project Report (DPR) for installation of facility for segregation and conversion of plastic and polythene waste to fuel etc. is being worked out, the details of which shall be submitted by the BMC on the next date.

The second aspect which is related to the present issues is with regard to the closure of existing dumping site at Bhanpur. Needless to say, that the question of closure would arise as soon as the new site is prepared and made operational. It has been submitted that the process of closure shall be carried out as provided under Schedule-III appended to the MSW Rules, 2000 and particularly issues mentioned at Sl. No. 31 (a) to (d) shall mandatorily be taken note of. It was submitted that the approach of the BMC for this purpose would be to go in a phased manner by compartmentalizing the existing dumping site Bhanpur and also discontinuing the dumping of municipal solid waste at the aforesaid site at Bhanpur. It was submitted that as per present estimate, this

would be done within a period of about 30 months. The Learned Counsel for the BMC is accordingly directed to submit the floor complete plan for the aforesaid indicating the period of time required with regard to the each of the steps to be taken in this behalf.

It was submitted before us that for seeking clearances for the new site and obtaining the EC, the BMC has submitted application before the concerned authorities only on 14.11.2014. The application for authorization is reported to have been sent before the MPPCB and the application with regard to the grant of EC is already pending with the SEIAA. We would accordingly direct the Member Secretary, MPPCB to apprise the Members of SEIAA for consideration of grant of EC without undue delay and concern Office of the BMC, in this the Addl. Commissioner who has submitted the affidavit before us, shall personally approach both the MPPCB and the concerned authority for dealing with the matter expeditiously and if any additional information is required by any of the authorities, the Addl. Commissioner, BMC shall personally take interest and submit the same without undue delay so that the matter can be expedited. We may add that the Principal Secretary, Environment and Principal Secretary, Urban Development shall also monitor the progress and assist the BMC in the matter.

The issue pertaining to the raging fires at Bhanpur dumping site is a bone of contention, as it is claimed by the Learned Counsel appearing on behalf of BMC that the fires have contained to a considerable extent and is disputed by the Applicant who submits that the fires are still raging and emitting considerable amount of smoke. He has placed before us for our perusal photographs taken between 9:00 am to 9:30 am this morning which goes to show that considerable amount of smoke is emanating and at some places flames can also be sent. The aforesaid information is placed before us by means of M.A.No. 632/2014. Copy of the same has been furnished to the Learned Counsel for the BMC. Prayer made for taking on record the documents annexed therewith is allowed. M.A.No. 632/2014 stands disposed of.

Looking to the contention of both sites, we are of the view that efforts to contain the fire at Bhanpur dumping site have to be continuous and in case there is improvement, as contended by the BMC, efforts should be further made so that fires which have been contained do not reignite and that area is taken care of permanently. Additional staff and fire tenders if required may be deployed without risking other needs

Learned Counsel for the BMC submitted that BMC is serious about the issue and would take all necessary steps including providing additional equipment and man-power, if needed. As we understand the possibility of the fires and flares to be further fuelled is more due to discharge of Methane gas which is known to be prevalent at such Municipal Solid Waste sites. Since, the present site is not a site prepared in accordance with the prescribed norms and procedures, the quantity of such Methane gas being high could not be ruled out. At the same time ignition of fire by miscreants and raspickers also needs to be curbed.

We also find that it is a matter of concern that personnel deployed by the BMC at the existing dumping site at Bhanpur do not possess the requisite precautionary equipment for their safety and health. The Addl. Commissioner who is present before us assured us that the necessary equipment for ensuring the safety and health of the personnel deployed at the site would be made available within two days. It would include proper mask, gloves, gumboots, etc. Also regular health check-up of their personnel is mandatory.

From the side of the State, it was submitted that the CM&HO to whom the directions had been issued vide order dated 10.11.2014 for making a survey is unwell today and has not been able to appear before the Tribunal and submit the report. He has sought time to do so. The State through the CM&HO shall submit their report with a copy of the same to the Applicant.

Before us certain persons who claim to be the residents of the area had been brought by the Applicant who submitted that it is

becoming unbearable for the residents of the area to live in the proximity of the Bhanpur dumping site. The Learned Counsel appearing for the BMC as well as the Addl. Commissioner assured us that all possible steps for containing the fires and smoke emanating there from shall be taken by the BMC to improve the conditions around the area and this shall be done on a regular basis.

Another issue which was pointed out by the residents was with regard to foul smell and odour of decaying animal carcass which is left behind. It has been brought to our notice that the present contract to the contractor issued by the BMC for removal of dead animal from the city and the municipal limits has expired and process for giving the task to new contractor is under process and at present the BMC is itself carrying on the task of removal of dead animal carcasses. The Addl. Commissioner assured us that he would submit a detailed report of the measures taken by the BMC for removal and disposal of carcass of dead animal and their burial, etc. and the site which has been identified for the said purpose and further that they would take necessary precautions to ensure that no such carcass are left behind at the Bhanpur dumping site and take remedial steps for containing the foul odour and smell.

The problem of having an unprepared dumping site of municipal solid waste is known to contaminate the soil as well as the underground water through percolation of leachate as a result of continuous use of dumping site without it having been prepared in a scientific manner which would take into account factors of percolation of such leachates so as to prevent the contamination of underground water sources. As per the material available in public domain, this is serious problem. We have been informed that in and around the area of Bhanpur dumping site, there may be several handpumps, tubewells, etc. which are being utilized by the residents of the area. We would accordingly direct the Central Ground Water Authority through its Office in Bhopal/Madhya Pradesh to draw samples from various points in sufficient numbers and carry out the testing of the underground water so as to identify and test

its potability and fitness for other uses as well and with respect to the health of the residents and those consuming it. The MPPCB shall convey our order to the Central Ground Water Board for carrying out the aforesaid task. The Member Secretary, shall forward a copy of our order with the request to the Central Ground Water Authority to carry out the aforesaid test.

The State has submitted its response by way of reply to the show-cause notice dated 11.11.2014. The said reply shall be considered at the proper stage while dealing with the case.

The State of Chhattisgarh, through its Counsel has filed **M.A.No. 633/2014** praying for extension of time to submit the information as directed under the Order dated 10.11.2014. Time prayed for is allowed. M.A.No. 633/2014 stands disposed of.

Learned Counsel appearing for the State of Rajasthan submitted that their report has been prepared and they require some time to submit the same.

Let the matter be listed on 24.11.2014. On the said date, the BMC shall furnish the flowchart as directed.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)