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IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT DELHI

O.A.NO.199 OF 2014

IN THE MATTER OF:

ALMITRA H PATEL

.. APPLICANT

VERSUS

UNION OF INDIA AND ORS.

.. RESPONDENT

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Karan
15/12/15

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**NEW DELHI
DATE:15.12.2015**

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL

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O.A. NO. 199 OF 2014

IN THE MATTER OF:

ALMITRA H PATEL

...APPLICANT

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...RESPONDENTS

AFFIDAVIT ON BEHALF OF THE APPLICANT FOR THE

HEARING ON 16.12.2015

I, Almitra H. Patel, aged about 79 years, r/o 50 Kothnur, Bagalur Rd, Bangalore 560077, presently in New Delhi, hereby state on oath as under:



1. That I am the Applicant in the present case and am well versed with the facts of the case and competent to swear this affidavit.
2. That I have preferred the M.A. No. 843 of 2015 in the present Original Application for the prayers mentioned therein.
3. That Prayer 1 praying for establishment of National Technology Mission is being withdrawn as Swachh Bharat Mission is now in place.
4. That Prayer 2 for immediately restraining the dumping of raw unstabilised waste in open dumps (wrongly called landfills), seeks reaffirmation and enforcement of the Hon'ble Supreme Court's directions for waste sanitization (stabilization) vide Order dated

28.07.1997 (Annexure A) in Writ Petition © No. 888 of 1996 (now the captioned O.A.) pending the commissioning of alternative waste processing solutions. This prevention of methane emissions from waste heaps is all the more important now as India is committed at Paris talks to work towards a net-zero human emissions target.

5. That Prayer 3 for mandatory declaration of Buffer Zone by Notification and demarcation in Town Planning maps seeks compliance and enforcement of the law of the land as in Municipal Solid Waste (Management and Handling) Rules, 2000 Sch .III Para 9.
6. That the Hon'ble Supreme Court vide Order dated 28.07.1997 in Writ Petition © No. 888 of 1996 (now the captioned O.A.) has directed is as under:

"The respondents are directed to consider low cost waste sanitization option. They may be required to file an affidavit in reply within four weeks, stating whether this Bio-treatment methods can be implemented. In the event that the answering respondents find that the proposed Bio-treatment method is unfeasible or other scientific waste disposal method is more appropriate then the answering respondent is directed to set out reason and conclusion for the same."



A copy of the Order dated 28.07.1997 passed by the Hon'ble Supreme Court in Writ Petition © No. 888 of 1996 is annexed herewith and marked as Annexure-A.

7. That Prayers 4 and 5 can be discussed after perusing the Annual Review Report for 2015 of the CPCB to the Government of India due on 15.12.2015.

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A Patel

DEPONENT

VERIFICATION

Verified on this day of , 2015, that the contents of the above affidavit are true and correct to my knowledge, that no part of it is false and that nothing material has been concealed therefrom.

A Patel

DEPONENT

'ATTESTED'

(Signature)
NOTARY DELHI
(INDIA)

14 DEC 2015



11962-4

ANNEXUR-A

ITEM NO. 57

COURT NO. 1

SECTION PIL

A/N MATTER

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Writ Petition (Civil) 888 of 1996

ALMITRA H. PATEL & ANR.

Petitioner (s)

VERSUS

UOI & ORS.

Respondent (s)

Date: 28.07.1997 This Petition was called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.N. KIRPAL

UPON hearing counsel the Court made the following

ORDER

The Respondents who have failed to answer and file their replies should file their replies in a time bound manner.

"The Respondents are directed to consider low cost waste sanitization option. That may be required to file an affidavit in reply within four weeks, stating whether this Bio-treatment methods can be implemented. In the event that the answering Respondents find that the proposed Bio-treatment method is unfeasible or other scientific waste disposal method is more appropriate then the answering Respondent is directed to set out reason and conclusion for the same.

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The Respondents are directed to include in their affidavits a time bound scheme for implementation of scientific and hygienic methods of waste disposal.

The Respondents are directed to seek expert advice in respect of mosquito, flies and other Vectors Control.

The Respondents are directed immediately to take steps to phase out the routine use of insecticides like DDT and BHC and similar dangerous insecticides on garbage heaps and dump sites.

The Central Pollution Control Board and all State Pollution Control Boards should ensure compliance of the provisions of the Water (Prevention and Control of Pollution) Act, 1974, by everyone including the local bodies.

The Respondents are also required to file affidavit of compliance of these directions within eight weeks.

List on 22nd September, 1997.

Court Master

Court Master