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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A.NO.22 OF 2011

IN

ORIGINAL APPLICATION NO.199 OF 2014

IN THE MATTER OF:

ALMITRA H.PATEL AND ANOTHER. ... APPLICANTS

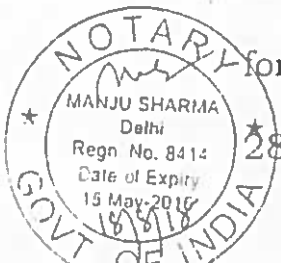
VERSUS

UNION OF INDIA AND OTHERS. ... RESPONDENTS

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT
(ANDAMAN AND NICOBAR ADMINISTRATION).

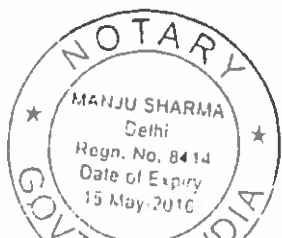
I, Kuldip Singh Thakur, S/o Shri Roshan Lal Thakur aged about 46 years, working as Deputy Resident Commissioner having office at 12, Chanakyapuri, Andaman and Nicobar Bhawan, New Delhi do hereby solemnly affirm and state that, I am conversant with the facts and circumstances from the records of the case. Thus, I am authorized and competent to swear to this Affidavit on behalf of Andaman and Nicobar Administration.

1. With regard to the contention made by the Applicants that redirect all the Respondents including the four new states formed after 1996 to comply with the direction dated 28.07.1997 of this Hon'ble Court for immediate Waste



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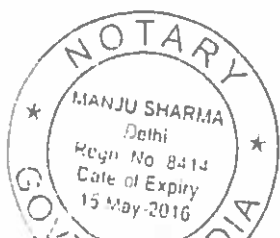
stabilization and to submit their action taking report to this Hon'ble Court, and also pass direction restraining raw waste being deposited in new wind-rows or by bio-methanation, it is submitted that Port Blair Municipal Council initiated segregation and collection of garbage at source level through mobile dustbins and trolley with bags as per local area conditions. So far, 30% of existing 18 wards have been covered and 100% will be achieved by December, 2015. Regarding processing of organic garbage through composting asrole model a school was selected and after successful result, the said Council has made a plan to built vermin-compost yard at every school. Two project for vermin-composting yard of the said Council were initiated one project is completed and other will be completed by December, 2015. Due to limited available area at present dumping site, the composting through proposed wind-row seems difficult however this technology would be kept in mind in the new processing cum landfill site. The said Council would also study the appropriateness of the technology due to heavy rainfall region and sloppy terrain. The said Council is also considering converting organic garbage into manure through electromechanical system which is available in market to produce end product in 24 hours. No insecticides like DDT and BHC or similar dangerous



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insecticides are used as disinfectants. At present, dry recyclable wastes (plastic, glass and paper waste) are collected and transported to mainland for recycling whereas due to hilly areas, inert and other C & D non-biodegradable wastes are used to fill up low lying areas, the said Council is also considering conversion of post consumer waste plastics to hydro carbon derivatives / fuel oil through available environmental friendly technology.

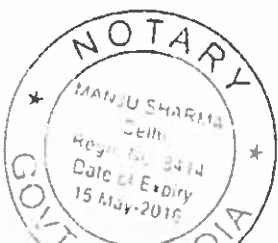
2. With regard to the contention made by the Applicants that direct immediate compliance by all Respondents and new States with the mandatory declaration of Buffer Zones of No New Development around waste-processing sites as per Sch III Sec 9 of the MSW Rules 2000 and Sec 3.16.6 of the SWM Report, by Notification of Buffer Zones around waste processing and disposal sites, and to formulate policies to compensate through economic instruments those villages hosting waste-processing sites and those properties falling within their Buffer Zones that in future, Port Blair Municipal Council will implement Schedule-III of MSW Rule, 2000 as "waste processing and landfill sites" however being a lone municipality, and restriction over availability of land as per defined waste management norms and manual, also due to narrowness of available land profile on Island causes difficulties to identify



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suitable waste processing and landfill sites. Further, due to Hilly areas inert and other C&D, non-biodegradable type wastes are used to fill up appropriate areas on hills because of constraints in finding adequate land. Presently, used dumping ground has two sides facing seaward whereas rest of the two sides faces land, adequate green belts are existing on closed dump site whereas greenbelt at the outer periphery of in-use dumping ground is maintained.

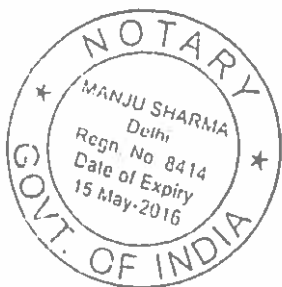
3. With regard to the contentions made by the Applicants that direct the Central and State Government to ensure the application of urban funding as a first priority for statutory end-point waste stabilizing, processing and disposal before funding upstream aspects of waste handling and not to release or permit payment of Tipping Fees except for land filling of compost rejects (Upto maximum 20% of total raw waste) only after commissioning of compost-plants and development of lined landfill-sites at the composter's expense and not to fund the capping of old waste heaps and unlined landfills instead of biomining, it is humbly submitted that it does not apply for the answering respondent, since the funding upstream aspects of waste handling regarding release or permitting payment oftipping fees will be applicable where



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these activities are outsourced whereas the said Council is executing all the works related to collection, transportation, processing (except the transportation of recyclable plastics and glasses to mainland India) and disposal at landfill site through its own employees and arrangements and none of these activities are outsourced so far, provisions of tipping fee is kept in the Bye-laws of the Port Blair Municipal Council (PBMC) as and when it is suited, the directions of Hon'ble Court will be implemented. However, directions being issued to the said Council for compliance of this aspect in future, as and when it is found applicable.

4. Keeping in view of the factual position stated above, the question in respect of any impediment does not come in the way of implementation of directions, if any issued by this Hon'ble Tribunal and Andaman and Nicobar Administration will implement the same in true letter and spirit.
5. In the light of the factual circumstances stated above, this Hon'ble Tribunal may be pleased to pass appropriate Order as deemed fit and proper and thus render justice.



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Rh 18/8/2015
DEPARTMENT OF
Deputy Commissioner
Andaman, & Nicobar Administration
12, Chanakyapuri, New Delhi-110021
Ph: 26114443 Fax: 26114445

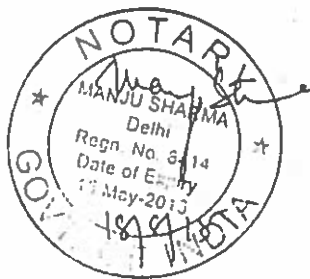
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VERIFICATION

Verified at New Delhi on this the 18th day of August, 2015 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Bl

KULDIP SINGH THAKUR
Deputy Resident Commissioner
Andaman, & Nicobar Administration
12, Chanakyapuri, New Delhi-110021
Ph:-26271483 Fax:-26882116



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO APPEARS PERFECT TO UNDERSTAND & AFFIRM / DEPOSE BEFORE ME AT DELHI ON 18/8/15 IDENTIFIED BY

✓ IDENTIFIED THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE

Dr. Indira Adar

ATTESTED

NOTARY, DELHI-R-8414
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
Register Pg /Sl. No.....