

A-333  
11/12/2014 at 3:45 PM

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI  
ORIGINAL APPLICATION NO. 199 OF 2014

**IN THE MATTER OF:**

Almitra H. Patel & Anr.

...Applicants

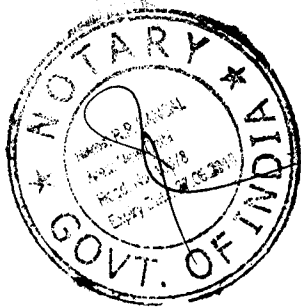
**-versus-**

Union of India & Ors.

.... Respondents

**COUNTER AFFIDAVIT ON BEHALF OF STATE POLLUTION  
CONTROL BOARD OF SIKKIM, RESPONDENT NO. 39**

I, Arvind Kumar, Principal Secretary and Principal Resident  
Commissioner, Government of Sikkim, Sikkim House, Chanakayapuri,  
New Delhi, do hereby solemnly affirm and state as under:



1. That the present affidavit is being filed pursuant to order dated 02.11.2014 and on basis of information furnished by the State Pollution Control Board, Department of Forest Environment and Wildlife Management, Government of Sikkim, Sikkim.
2. That the Annual Report submitted by the State Pollution Control Board in regard to steps taken in respect of Municipal Solid Waste Management for the period of 2012-2013 and 2013-2014 was submitted to the Member Secretary, Central Pollution Control Board by letter No. 430/SPCB/1001 dated 22.11.2014. A true copy of the Report dated 22.11.2014 and the letter dated 22.11.2014 by the State Pollution Control Board to the Central

IDENTIFIED BY

Arvind Kumar

Pollution Control Board forwarding the said Report are annexed herewith and are marked as Annexure-I and Annexure-II respectively.

*Arvind Kumar*

DEPONENT

**VERIFICATION:**

I, Arvind Kumar, the above named deponent, do hereby verify that the contents of paras 1 to 2 of the above affidavit are true and correct to the best of my knowledge and belief as derived from the records, no part thereof is false and nothing material has been concealed therefrom and the annexures are true copies of their respective originals.

*Arvind Kumar*

DEPONENT

28 NOV 2014

Verified at New Delhi on the 28<sup>th</sup> day of November, 2014



**ATTESTED**

Notary Public Delhi  
Govt. of India  
Regd. No. 10678/13

28 NOV 2014

FORM IV

[See Rule 8(1)]

FORMAT OF ANNUAL REVIEW REPORT TO BE SUBMITTED BY THE STATE POLLUTION CONTROL BOARD/ COMMITTEES TO THE CENTRAL POLLUTION CONTROL BOARD.

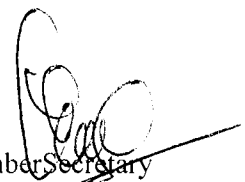
To

The Chairman,  
Central Pollution Control Board,  
(Ministry of Environment and Forests)  
Government of India,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi-1100032.

1. Name of the State/ Union Territory : Sikkim
2. Name & address of the State Pollution control : Sikkim State Pollution Control Board,  
Forests Secretariat, Annex-I  
Building,  
Deorali-737102,  
Gangtok, Sikkim
3. Board / Pollution Control Committee Number of  
Municipal authorities responsible for management  
Of municipal solid wastes in the state/ Union  
Territory under these rules.
  1. Gangtok Municipal Corporation, East District.
  2. Namchi Municipal Council, South District.
  3. Geyzing Municipal Nagar Panchayat, West District.
  4. Mangan Nagar Panchayat, North District.
4. A summary Statement on progress made by  
Municipal authorities in respect of implementation  
Of Schedule I [rule 4(3)] : Attached herewith as Annexure-I
5. A Summary statement on progress made by  
Municipal authorities in respect of implementation  
Schedule II [rules 6 (1) and (3), 7(1)] : Attached as Annexure-II
6. A Summary statement on progress made by  
Municipal authorities in respect of implementation  
Schedule III [rules 6 (1) and (3), 7(2)] : Attached herewith as Annexure-III
7. A Summary statement on progress made by  
Municipal authorities in respect of implementation  
Schedule IV [rules 6 (1) and (3), 7(2)] : Attached as Annexure-IV

Date 22-11-2014 .....

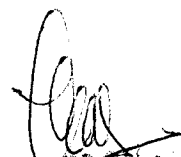
Place Gangtok .....

  
Member Secretary  
State Pollution Control Board  
MEMBER SECRETARY  
State Pollution Control Board  
Forest, Env. & Wildlife Deptt. Sikkim  
Government of Sikkim

ANNEXURE I

A Summary statement on progress made by municipal authorities in respect of implementation of Schedule I [rule 4(3)]:


Sr.No	Compliance Criteria	Municipal Authority	Particulars
1.	Setting up of waste processing and disposal facilities	Gangtok Municipal Corporation, East Sikkim	MSW from these municipality areas are sent to Martam, East Sikkim MSWTF but the facility is non functional. Hence, wastes are being dumped at the location. However, Urban & Housing Department, Govt. of Sikkim is carrying out new ADB funded project for construction of sanitary landfill at existing dumpsite i.e Martam, East Sikkim.
		Namchi Municipal Council, District-South Sikkim	MSWTF under construction at Sipchu, near Jorethang, West Sikkim funded by CPCB.
		Gayzing Municipal Nagar Panchayat, District- West Sikkim	MSW from this municipal area is also sent to above facility at Sipchu, near Jorethang, West Sikkim. As of now, the wastes from these two municipalities are being dumped at Sipchu, near Jorethang.
		Mangan Nagar Panchayat, District- North Sikkim	No treatment facility
2.	Monitoring the performance of waste processing and disposal facilities	All municipal authority	--
3.	Improvement of existing landfill sites as per provisions of these rules	-	Under Construction at Sipchu, Near Jorethang,
4.	Identification of landfill sites for future use and making site(s) ready of operation	-	Nil

  
 MEMBER  
 State Pollution Control Board  
 Forest, Env. & Wildlife Mngt. Dept.  
 Government of Sikkim

ANNEXURE II

A Summary statement on progress made by municipal authorities in respect of implementation of Schedule II [rule 6(1) and (3), 7(1)]:

Sr. No.	Various aspect of Management of Municipal Solid wastes	Municipal Authority	Particulars
1.	Collection of municipal solid wastes	Gangtok Municipal Corporation	Collection through community bin and collection by municipal trucks on pre-informed timings by using bell ringing. It is reported that <b>35 Tonnes per day of waste was collected during 2012-13.</b>
		Namchi Municipal Council	It is reported that <b>3000MT of MSW was collected by NMC in the year 2012-13.</b>
		Geyzing Municipal Nagar Panchayat	Report not submitted to SPCB.
		Mangan Nagar Panchayat	Report not submitted to SPCB.
2.	Segregation of municipal solid wastes	Above listed municipal authorities	Nil
3.	Storage of municipal solid wastes	Above listed municipal authorities	Not being complied with the scheduled criteria
4.	Transportation of MSW	Above listed municipal authorities	Partial compliance
5.	Processing of MSW	Above listed municipal authorities	Nonexistent
6.	Disposal of MSW	Above listed municipal authorities	Not being complied with the scheduled criteria

  
 MEMBER SECRETARY  
 State Pollution Control Board  
 Forest, Env. & Wildlife Mngt. Dept.  
 Government of Sikkim

**ANNEXURE III**

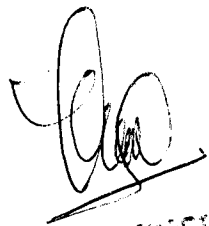
A Summary statement on progress made by municipal authorities in respect of implementation of Schedule III [rule 6(1) & (3), 7(2)]:

1. Urban Development and Housing Department, Govt. of Sikkim was accorded authorization for Municipal Solid Waste Treatment Facility vide o.o No. 75/SPCB/1143 dated 26/10/10 which was valid till 31<sup>st</sup> March 2011. After the constitution of Gangtok Municipal Corporation the MSWFT was handed over to GMC.
2. The Board is trying to secure compliance with the criteria listed at scheduled III at present by coordinating with the municipal authorities.
3. As the enforcement of the rule rests with the Urban Development Department, District Collectorate and implementing agency being municipal authority, it involves multiple stakeholders and coordination and effective execution has become a big challenge.

**ANNEXURE IV**

A Summary statement on progress made by municipal authorities in respect of implementation of Schedule IV [rule 6(1) & (3), 7(2)]:

1. In all the municipal areas, the standards listed at Schedule IV are not being complied with due to absence of treatment facility.

  
MEMBER SECRETARY  
Sikkim Pollution Control Board  
Trade, Envt. & Water Management  
Government of Sikkim

ANNEXURE - I

FORM IV

[See Rule 8(1)]

FORMAT OF ANNUAL REVIEW REPORT TO BE SUBMITTED BY THE STATE POLLUTION CONTROL BOARD/ COMMITTEES TO THE CENTRAL POLLUTION CONTROL BOARD.


To

The Chairman,  
Central Pollution Control Board,  
(Ministry of Environment and Forests)  
Government of India,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi-1100032.

1. Name of the State/ Union Territory : Sikkim
2. Name & address of the State Pollution control : Sikkim State Pollution Control Board,  
Forests Secretariat, Annex-I  
Building,  
Deorali-737102,  
Gangtok, Sikkim
3. Board / Pollution Control Committee Number of  
Municipal authorities responsible for management  
Of municipal solid wastes in the state/ Union  
Territory under these rules.
  1. Gangtok Municipal Corporation, East District.
  2. Namchi Municipal Council, South District.
  3. Geyzing Municipal Nagar Panchayat, West District.
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7. A Summary statement on progress made by  
Municipal authorities in respect of implementation  
Schedule IV [rules 6 (1) and (3), 7(2)] : Attached as Annexure-IV

Date ... 22. 11. 2014 .....

Place ... Gangtok .....

  
Member Secretary  
State Pollution Control Board  
Ministry of Environment and Forests  
Government of India

ANNEXURE I

A Summary statement on progress made by municipal authorities in respect of implementation of Schedule I [rule 4(3)]:

Sr.No	Compliance Criteria	Municipal Authority	Particulars
1.	Setting up of waste processing and disposal facilities	Gangtok Municipal Corporation, East Sikkim	MSW from these municipality areas are sent to Martam, East Sikkim MSWTF but the facility is non functional. Hence, wastes are being dumped at the location. However, construction of sanitary landfill at existing dumpsite i.e Martam, East Sikkim is underway. The project is being carried out by Urban Development and Housing Department with financial assistance from Asian Development Bank.
		Namchi Municipal Council, District-South Sikkim	MSWTF under construction at Sipchu, near Jorethang, West Sikkim funded by CPCB.
		Gayzing Municipal Nagar Panchayat, District- West Sikkim	MSW from this municipal area is also sent to above facility at Sipchu, near Jorethang, West Sikkim. As of now, the wastes from these two municipalities are being dumped at Sipchu, near Jorethang.
		Mangan Nagar Panchayat District- North Sikkim	M.N.P has installed Organic Waste Convertor for converting waste into compost.
2.	Monitoring the performance of waste processing and disposal facilities	All municipal authority	--
3.	Improvement of existing landfill sites as per provisions of these rules	-	Under Construction at Sipchu, Near Jorethang,
4.	Identification of landfill sites for future use and making site(s) ready of operation	-	Nil

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 MUNICIPAL CORPORATION  
 GANGTOK, EAST SIKKIM



ANNEXURE II

A Summary statement on progress made by municipal authorities in respect of implementation of Schedule II [rule 6(1) and (3), 7(1)]:

Sr. No.	Various aspect of Management of Municipal Solid wastes	Municipal Authority	Particulars
1.	Collection of municipal solid wastes	Gangtok Municipal Corporation	Collection through community bin and collection by municipal trucks on pre-informed timings by using bell ringing. It is reported that <b>40 Tonnes per day</b> of waste was collected during 2012-13.
		Namchi Municipal Council	Report not submitted
		Geyzing Municipal Nagar Panchayat	It is reported that <b>8Tonnes per day</b> of MSW is collected.
		Mangan Nagar Panchayat	Door to door collection on daily basis. M.N.P is the first agency in the state to install Organic Waste Converter which is processing 300kg of organic waste per day. M.N.P is collecting <b>500kg of MSW per day</b> which contains: a) <b>50%</b> compostable organic matter. b) <b>20%</b> recyclables (plastics) c) <b>16%</b> rags and remaining portion are inerts.
2.	Segregation of municipal solid wastes	Above listed municipal authorities	Nil
3.	Storage of municipal solid wastes	Above listed municipal authorities	Not being complied with the scheduled criteria
4.	Transportation of MSW	Above listed municipal authorities	Partial compliance
5.	Processing of MSW	Above listed municipal authorities	Partial compliance
6.	Disposal of MSW	Above listed municipal authorities	Partial compliance

*Sc*

*[Signature]*  
 SECRETARY  
 Municipal Corporation  
 Gangtok  
 Sikkim

**ANNEXURE III**

A Summary statement on progress made by municipal authorities in respect of implementation of Schedule III [rule 6(1) & (3), 7(2)]:

1. The SPCB-Sikkim had issued a showcause notice to the Gangtok Municipal Corporation vide letter no. 109/SPCB/01 dated 01.04.2013 regarding non-compliance.
2. The Board is trying to secure compliance with the criteria listed at scheduled III at present by coordinating with the municipal authorities.
3. As the enforcement of the rule rests with the Urban Development Department, District Collectorate and implementing agency being municipal authority, it involves multiple stakeholders and coordination and effective execution has become a big challenge.

**ANNEXURE IV**

A Summary statement on progress made by municipal authorities in respect of implementation of Schedule IV [rule 6(1) & (3), 7(2)]:

1. The G.M.C had applied for authorization and accordingly, the SPCB-Sikkim granted authorization for setting up of a sanitary landfill vide letter no, 75/SPCB/1230 dated 4.10.2013.
2. Mangan Nagar Panchayat has composting facility for organic fraction of the waste.
3. In South and West District municipal areas, the standards listed at Schedule IV are not being complied with due to absence of treatment facility.



MEMBER SECRETARY  
State Pollution Control Board  
Sector 10, Chandernagore, New Delhi  
110062



STATE POLLUTION CONTROL BOARD  
Department of Forest Environment and Wildlife Management,  
Govt. of Sikkim,  
Forests Secretariat, Annex I Building, Deorali - 737102

ANNEXURE - II

F. No. 430 / SPCB / 1001

Date 22/11/14

To  
The Member Secretary,  
Central Pollution Control Board,  
MoEF, Govt. of India,  
Parivesh Bhawan,  
Delhi-110032.

Sub: Annual report on implementation on Municipal Solid Waste Management for the period of 2012-13 and 2013-14.

Sir,  
Please find enclosed herewith the annual report on Municipal Solid Waste Management in the State of Sikkim in Form IV for the period of 2012-13 and 2013-14 for your kind information and ready reference, please.

Yours faithfully,

Sd/-  
Member Secretary,

Copy to:

1. Pr.S to HCM, for kind information, please
2. Pr.S to the Chief Secretary, for kind information, please.
3. Pr. Secretary-cum-PCCF, FEWMD for information.
4. PCE-cum- Secretary, UDHD for information.
5. Smt. Aruna Mathur, Standing Counsel, Delhi for information.



  
MEMBER SECRETARY  
State Pollution Control Board  
Forest, Env. & Wildlife Mangt. Deptt.  
Government of Sikkim