

**BEFORE HON'BLE NATIONAL GREEN  
TRIBUNAL PRINCIPAL SEAT, NEW DELHI**

**M.A. NO.843 OF 2015  
(IA NO. 22/2011 IN SC)**

**IN**

**OA NO. 199 OF 2014  
WP(C) 888/1996 IN SC)**

**IN THE MATTER OF:**

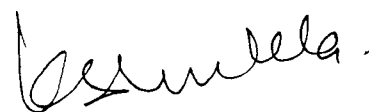
PETITIONER: ...Almitra H Patel

Versus

RESPONDENT: ...UOI &Ors.

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Place: New Delhi  
Dated: 28.09.2015

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**REPLY ON BEHALF OF RESPONDENT  
NO.7 (STATE OF MADHYA PRADESH) TO  
M.A. NO.843/2015, FILED BY THE  
PETITIONER**

**MOST RESPECTFULLY SHOWETH :**

1. That, the petitioner herein had filed the instant IA before the Hon'ble Supreme Court in the year 2011, which has not been transferred to this Hon'ble Tribunal and has been renumbered as M.A.No.843/2015. In the said application, various directions have been sought for the implementation of

an ineffective waste management system in the country. The instant application also pleads for establishment of scientific disposal of waste at the designated dumping sites, proper management of waste as per the guidelines with conversion into reusable/recyclable products such as compost etc. It further pleaded to constitute a National Technology Mission for Sanitation and Environmental Hygiene.

2. That, it is most humbly submitted that the petitioner in the instant application has made the prayers, against the answering respondents which are as follows:

"1.....

*2. Redirect all the Respondents including the four new states formed after 1996 to comply with the directions dated 28.7.1997 of this Hon'ble Court for immediate waste stabilization [Anx. B and C] and to submit their action taking reports to this Hon'ble Court, and also pass directions restraining raw waste being deposited in*

*new or existing waste-processing sites or in landfills without first stabilizing the waste in wind-rows or by bio-methanation;*

*3. 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 BufferZones;*

*4. direct the Central and State Governments 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 composters expense and not to fund the Capping of old waste heaps and unlined landfills instead of biomining.*

3. That, the answering respondent do not dispute the concerns of the petitioner who has filed this application *Pro Bono Publico*, but it is absolutely pertinent to mention over here that the State of Madhya Pradesh has been a pioneer in taking the steps for the implementation of the Solid Waste Management System in the whole country. The State of Madhya Pradesh has adopted cluster approach for the solid waste Management wherein 26 clusters have been identified wherein a Common facility for Municipal Solid waste Generated out of the ULBs shall be commissioned.

4. That, the State Government has implemented the Integrated Solid Waste

Management system at Katni and Sagar, which shall jointly cater to the MSW of about 16 Urban Local Bodies. It is pertinent to mention over here that for the aforesaid projects a Feasibility Study Report was prepared by ICF-GHK the consulting agency for DFID aided MP Urban Infrastructure Investment Programme (MPUIIP) of Urban Administration and Development Directorate, after collection of data and field visits. The concept of the project along with the FSR (Feasibility-Study-Report) was explained to the citizens in an open workshop conducted at all ULBs by UADD officials and consultants. After getting approval of ULBs through a resolution the RFP documents for both the projects were prepared by IGF-GHK and the approval of these documents was done by State Level Empowered Committee (for PPP Projects) headed by Chief Secretary GoMP. Concessionaires selected after bidding process, has started implementation of the projects.

5. That, the selection of agency for appointment as Independent Engineer for these projects at Katni and Sagar is underway. It is expected to be completed by the end of October 2015. The concessionaire may start door to door collection, secondary collection and transportation by Nov/Dec 2015 in both the projects. The complete process of collection, transportation and segregation, waste processing and disposal in Sanitary Landfill may start by May/June 2016, well before the deadline Sept/Oct 2016 of the project.

6. That, the Government of Madhya Pradesh has already decided to implement Integrated Solid Waste Management in the State in all 378 ULBs. This envisages waste to be processed before inert and rejects from processing to be deposited in existing or proposed Landfill sites. Where waste quantity is going to be less there waste shall be stabilize in wind-rows or by bio-methanation.

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Govt. intends to implement these measures in all 378 ULBs by the end of 2017.

7. That, the State Government has been taking all possible steps to identify the Solid waste disposal sites without causing inconvenience to the local residents of the area. The State Govt. has directed all the ULBs to notify the area surrounding existing or proposed landfill site as a Buffer zone. The State Govt. is also directing Town and Country Planning Dept. to notify the area surrounding Landfill as Buffer Zone in the villages or area near villages in the Development plans of the area. The aforesaid process would be completed in next 4 months.

8. That, The State Government has decided to implement integrated Solid Waste Management in a way where focus is on end point waste stabilizers after waste processing. The State Government would be giving 20% grant to ULBs along with central



Government grant share of 20% in the Swachh Bharat Mission. In addition to this State of MP would also provide soft loans of 30% with interest rate @5% for a larger period to ULBs to meet the cost of the project. The private operator would also contribute upto 30% of the said project cost. The payment of tipping fee to the private operator shall be made on monthly basis, only after he has complied with all the components of ISWM (Integrated Solid Waste Management) including waste processing and depositing of the inert and rejects in scientifically designed landfill site. The State govt. is not planning to fund capping of the old waste heaps or landfills.

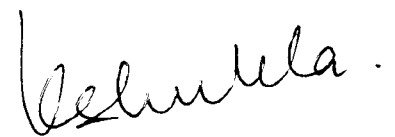
9. That, the State Government is in active consideration on the suggestions given by the applicant in the instant matter.

10. That, the State Government is taking all possible steps in the available resources for the implementation of the Municipal Solid

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Waste (Management and Handling) Rules 2000, in its letter and spirit.

In view of the aforesaid, it is most humbly prayed that this Hon'ble Tribunal may graciously be pleased to take the present reply on record and may further be pleased to pass any other suitable direction in favour of the answering respondent, as this Hon'ble Tribunal may deem just and fit in the facts and circumstances of the present case.



**(V.K. SHUKLA)**

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State of Madhya Pradesh  
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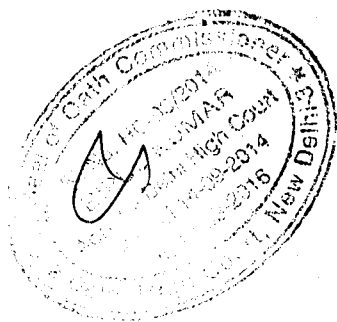
Versus

RESPONDENT: ...UOI &Ors.

**AFFIDAVIT**

I, Rajeev Goswami, S/o Shri M. L. Goswami, aged about 53 years, Executive Engineer, working in the capacity of Superintending Engineer, Directorate of Urban Administration and Development, Madhya Pradesh, present at New Delhi, do hereby solemnly affirm and state as under:

1. That I have been appointed as OIC in the present matter and as such I am well conversant with the facts and circumstances and am competent to swear this affidavit.
2. That the contents of accompanying reply to MA No. 843/2015 has been drafted by my



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counsel as per my instructions. The contents of which are true and correct to the best of my knowledge derived from the record.

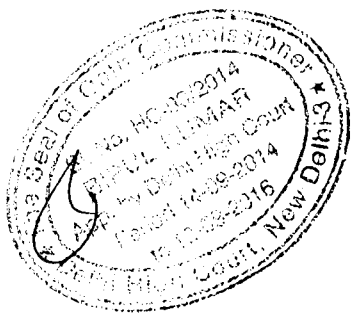
DEPONENT

VERIFICATION:

28 SEP 2015

Verified at New Delhi on this 28<sup>th</sup> day of September, 2015 that these contents of this affidavit are true and correct to the best of my knowledge derived from the record and nothing relevant has been concealed therefrom.

I identified the deponent who was signed in my presence



DEPONENT

28 SEP 2015  
I, the OATH COMMISSIONER  
Rajeev Chawla  
M. L. Chawla  
V. K. Shukla (Adv)  
has solemnly affirmed before me that the contents of the affidavit have been read & explained to the deponent and correct to his knowledge.  
Oath Commissioner, Delhi

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