

M.A No. 843 of 2015

IN

O.A. No.199 of 2014

Almitra H Patel & Anr

.... Petitioners.

-Vs-

Union of India & Ors.

... Respondents.

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ADVOCATE FOR DEPONENT

20 JAN 2016

CANCELLED



IN

O.A. No.199 of 2014



Almitra H patel&Anr

.... Petitioners.

-Vs-

Union of India &Ors.

... Respondents.


IN THE MATTER OF :-

Affidavit On behalf of the State  
of Manipur.

### AFFIDAVIT

I, R.K Dinesh, Commissioner (MAHUD), Govt of Manipur do hereby take oath and solemnly affirm and state as follows:

1. That, I say that in my capacity as stated above, I am conversant with the facts and circumstances of the case and as such, I am competent to swear this affidavit.
2. That, as to Para 1 of the O.A. the answering Respondent submits that Out of the approx. 6.37 lakhs urban population residing in the towns of Manipur, 2.68



Imphal Municipal area is now collected through a mix of private operators and municipal operators and composted at the new SWM Plant (100 MT capacity per day) at Lamdeng, Imphal West District. The entire solid Waste is bio stabilised through use of ernoculam bio enzyme and windrows method.

The entire SWM Plant is now about to be upgraded from being a composting facility to a waste to energy facility through PPP mode on BOT basis. Tenders have been floated and the private party has been selected to take over the O&M and up gradation of the SWM Plant for an initial period of 30 years. This is expected to start by Feb 2016.

The remaining 3.69 lakhs urban population is dispersed over twenty seven (27) urban municipalities. Currently solid waste of these urban municipalities is being collected by clustering them, wherever possible. The SW of these areas is currently being disposed off in landfills at sites identified and maintained by the municipalities.

Efforts are now being made to study the feasibility of setting up of transfer stations at regional centre to ultimately bring all the waste from these areas to the SWM Plant at Lamdeng, Imphal West by 2018.

preparation etc to prevent pollution of the water are  
observed at the SWM plant at Lamdeng, Imphal West.

The Municipality is also in constant touch with the concerned line Departments to ensure control of mosquitoes, flies and other vectors at the landfill site.

3. That as to Para 1.3 of the O.A., the answering respondents submit that the prayer for dissemination of SWM Report in the regional language is welcomed and appreciated.

4. That as to para 1.4, 2.1, 2.2, 2.3, 2.4, 4.3 and Para No. 5 of the O.A. the answering respondent has no comments.

5. That as to Para No. 1.5 of the O.A. it is submitted that the matter in the para is concerned with the Union of India.

6. That as to Para No. 1.6 of the O.A. it is submitted that the views are appreciated and the State Govt will strive to comply with any directive(s) given in this regard.

7. That as to Para No. 1.7, 1.8 & 1.9 of the O.A. it is submitted that no comment except to add that the State welcomes the increased mobilisation and involvement of waste pickers to enable recovery of reusable/ recyclable materials from Municipal Solid Waste.



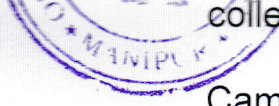


is submitted that the State is continuously striving to achieve better and more complete compliance with the Municipal Solid Waste (Management and Handling) Rules 2000.

9. That as to Para No. 2.9, 2.10, 2.11 & 2.12 of the O.A. it is submitted that under the guidance of the Swachh Bharat Mission program, the State is now making progress in Solid Waste Management.

10. That as to Para No. 3.1 & 3.2 of the O.A. it is submitted that as of now, the waste pickers are not highly visible in Imphal town as no association of waste pickers has yet been formed in Imphal to the best of our knowledge. The concern of the petitioner to give more access to waste pickers the dumps to segregate recyclables and reusables is appreciated and will be given due consideration like inclusion in the solid waste management plans drafted at ULB level, subject to certain safeguards like provision of adequate occupational health safety related measures and other legal protective measures etc.

11. That as to Para No. 3.3 & 3.4 of the O.A. it is submitted that currently solid waste collection and transport is being increasingly done through PPP mode in which ULBs act as the regulatory body deciding the fees



Campaign on waste management / cleanliness is being carried out through the Swachh Bharat Mission Programme. Provisions of dumpers and dustbins are being made at selected sites.

12. That as to Para No. 3.5 of the O.A. it is submitted that the SWM Plant set up at Lamdeng in Imphal caters to about 40% of the total urban population. Efforts are being made to transfer and dispose all solid waste from all the urban population at this site.

13. That as to Para No. 3.6.1, 3.6.2 & 3.6.3 of the O.A. it is submitted that the site selection of the SWM plant at Lamdeng, Imphal West has been done after receiving concurrence from the environment angle and also from the State Pollution Control Board.

14. That as to Para No. 3.6.4 & 3.6.5 of the O.A. it is submitted that Admitted. The State has already acquired 80 acres of land around the landfill site at Lamdeng, Imphal West (These 80 acres is inclusive of the area occupied by the landfill site). The State is now examining the details for declaration of buffer zone/ no development zone around the landfill site and to include in the Town Planning Department's Land Use Plans, along with formulation of state specific compensation measures

submitted that a pilot declaration model (along with compensation may be designed centrally for all states to build upon and adapt to each state's specific requirements and conditions so that there is basic symmetry amongst all the States' designs.

15. That as to Para No. 3.6.6 of the O.A. it is submitted that Not admitted. The State of Manipur is now proceeding ahead with plans to convert the newly built SWM plant from being a composting facility to a Waste to Power facility to extract maximum efficiency out of the solid waste plant.

16. That as to Para No. 3.6.7, 3.6.8 & 3.6.9 of the O.A. it is submitted that The State of Manipur will not require the Composter to pay royalty/ tipping charges to ULBs for garbage supplied. In reverse, the State will be providing tipping fee to the composter/ private party operating the site for a maximum period of 15 months, once the agreement with the private party is signed. After expiry of the fifteen months from the date of commencement of operations or after conversion of the plant to a "waste to energy" facility, whichever is earlier ( up gradation cost to be borne by the private party), the state will not be paying any tipping fee. The State will however pay the composter for each unit of power produced at the rate agreed upon.




Impose a blanket cancellation of all tipping fee contracts  
and allow only those which commence payments for  
compost rejects (subject to maximum 20% of total raw  
waste) only after completion of compost plants and  
development of lined landfill sites at the composters'  
expenses.”, for the following reasons, specific to Manipur  
SWM plant at Lamdeng, Imphal West:-

1. The State of Manipur has already constructed a  
SWM (composting facility) plant at Lamdeng, Imphal  
West of capacity 100 tonnes per day, over an area of 80  
acres. The State decided to allow private party(s) to  
operate this facility through PPP mode as the State felt  
that O&M of such sites will be better managed by private  
parties. The State further intends to upgrade this  
composting facility to a waste to power facility. All tender  
processes have been completed and the agreement to  
be signed between the private party and government has  
been vetted by the concerned departments with the  
approval of the State Cabinet.

Under this proposed agreement, the State Govt will  
provide the plant machinery and site to the private party  
for an initial period of 30 years on lease. The private will  
be responsible for all O&M charges of the plant. The only  
charge on the State will be tipping fee per ton of SW for  
only the first phase of 15 months/ (In the first phase of





at its own cost. The first phase will conclude on completion of the up gradation or on expiry of 15 months from the date of commencement, whichever is earlier.). During the second phase (i.e. after completion of the up gradation of the SWM plant, the State will not pay any tipping fee. The only charge on the State will be to purchase the energy produced from the Plant at the rate agreed upon.

It is submitted that the agreement, being at an advanced stage is expected to be finalised within Feb 2016.

It is further submitted that the State of Manipur being a remote state and with very little population, it is very difficult to get even tender bids from firms to operate the SWM plant. The tender for the SWM plant operation and up gradation had to be repeated as the response to the tender from established firms in India was very poor.

If the prayer of the petitioner to ban all tipping fee is accepted, then it will adversely affect and even delay the O&M & up gradation of the SWM Plant from being a composting facility to a waste to power facility.

It is therefore prayed that this prayer of the petitioner may either be rejected forthright or accepted with conditions for examination/exemption of specific cases like Manipur.

submitted that the answering respondent agree the submission in the said paras.

18. That as to Para No. 3.6.11 of the O.A. it is submitted that this will need further examination by the State as the State is yet to start payment for transport of waste by either weight or weight cum volume. The transportation of waste is done mostly by private parties, which charge a lumpsum rate fixed by the Municipality of Rs 100-200 per month per household.


19. That as to Para No. 3.6.12 of the O.A. it is submitted that Accepted. The State will initiate assessment of requirement for land filling of domestic hazardous wastes like tube lights.

20. That as to Para No. 4.1 of the O.A. it is submitted that the answering respondent agree the submission in the said paras.

21. That as to Para No. 4.2 of the O.A. it is submitted that the matter needs to be examined further.

In the above facts & circumstances the Hon'ble Tribunal is requested to kindly dismiss the Original Application, in the ends of justice.

Imphal, the 20<sup>th</sup> January, 2016

  
R. K. Dinesh,  
Commissioner,  
MAHLD

Verified at Imphal on this 20<sup>th</sup> day of January 2016 that the contents of my above affidavit paras 1-21 are true and correct to the best of my knowledge and based on the records maintained in the office of the deponent.

Imphal, the 20<sup>th</sup> January, 2016

R. K. Dinesh,  
Commissioner,  
MAHUD  
Government of Manipur

Solemnly affirmed before me on 20<sup>th</sup>.....  
January, 2016.....at 2pm.....  
the court premises by the declarant who  
represented by Ch. Nanda, Advocate  
the declarant seems to understand the  
contents fully well on their being read over  
and explained to him.

*10/1/2016*  
*20/01/2016*  
R. Maroran & Dew  
Oath Commissioner (Judicial)  
Manipur