

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

Original Application No. 81/2014(WZ)

In the matter of:-

**Kantha Vibhag Yuva Koli Samaj Parivartan Trust V/s State of Gujarat & Ors.**

**CORAM: HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present:            Applicant                                   : Ms. Shilpa Chohan, Adv.  
                      Respondent No.4                         : Ms. Supriya Dangare, Adv.  
                      Respondent No.7                         : Ms. Shweta B. Borkar, Adv.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.6</b> <b>5<sup>th</sup> December,</b> <b>2017</b> <b>Order No.35</b>	<p>To converge on solution to the issue in controversy before us regarding the segregation and dumping of municipal solid waste at landfill site admeasuring 188 hectares at Village Khajod, Taluka Choryasi, District Surat and the damage to the environment arising out of it, we had directed the Surat Municipal Corporation to submit time bound Action Plant and undertaking to perform according to it vide Order dated 16<sup>th</sup> May, 2017.</p> <p>The Respondent No.4 – Surat Municipal Corporation accordingly placed on record Undertaking dated 26<sup>th</sup> September, 2017 (page 2310 Vol.II-A) giving the timeframe for setting up Waste to Energy Plant, Waste to Compost Plant and Capping of the dump of accumulated waste at Khajod landfill site.</p> <p>After hearing the learned Counsel for the Applicant we required the Corporation to make submissions as regards the following points vide Order dated 6<sup>th</sup> November, 2017:</p> <ol style="list-style-type: none"><li>1) Qualified undertaking in light of Solid Waste Rules 2016.</li><li>2) Proposal to make use of the Khajod landfill site after its potential as landfill site is over and reasons for reluctance to furnish Bank Guarantee.</li><li>3) Suggest Members of the Monitoring Committee, break up of the work of commissioning the Waste to Energy Plant and Waste to Compost plant with the given time frame for compliance of each of stages of commissioning of such plants, and the issue of compensation to the farmers for the damage caused on account of burning of solid waste and ground water pollution.</li></ol> <p>and directed the Corporation to tender before us a copy of the</p>

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proposal moved for seeking authorisation to use the said landfill site in order to understand what the Corporation had in mind regarding the prospective use of the said landfill site after its potential use is over.

Learned Counsel appearing on behalf of the Corporation submits that the malfunctioning of the Solid Waste Processing Plant at Khajod site may create a problem of disposal of the solid waste. However, she was in agreement with the learned Counsel for the Applicant that such failure should not be counterproductive to the Solid Waste Rules, 2016 in any case and sometime be granted for taking instructions to devise and come up with the solution for such exigencies in future to prevent the violation of Solid Waste Rules, 2016. She further submits that the landfill site after its potential being exhausted as such can be best used for recreation or for such other uses as are permissible by law. As regards the Bank Guarantee, she submits that there are regulatory agencies and monitoring protocol in place to keep check on the alleged misfeasance on the part of the Corporation and the Corporation will enter into an agreement with the entity undertaking the running of the Waste to Energy Plant to furnish security to the tune of Rs.50 Lakhs for due performance of such agreement. She undertakes to produce a copy of the proposal for authorisation to make use of the said landfill site at Village Khajod for municipal solid waste plant and landfill site moved before the State Pollution Control Board on the next date.

The Applicant admits that the Corporation has suggested composition of the Monitoring Committee and the break-up of the work of commissioning of Waste to Energy Plant and Waste to Compost Plant with the timeframe for compliance of each work for commissioning of such Plants.

Learned Counsel for the Applicant points out from the Sample Analysis Report of the Ground Water as well as Surface Water at page 432 and 439 Vol.I-B annexed to the Affidavit dated 26<sup>th</sup> April, 2015 filed by Deputy Municipal Commissioner of the Surat Municipal Corporation that the Total Dissolved Solids, Chloride, Iron, Phenolic Compounds levels were much beyond the prescribed parameters as per the Sample Analysis Report of Ground Water from Khadi Borewell at location L2 and the

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parameters of TDS, Chloride, Sulphate were also found exceeding the given standards so far as it relates to L1: Khadi Water vide page-439. Significantly Iron, Phenolic Compound levels were not found exceeding in L1: Khadi Water. Learned Counsel appearing on behalf of the Surat Municipal Corporation has no explanation to offer as regards the exceeding parameters of the Ground and Surface Water as noticed hereinabove.

However, it is necessary that the Applicant throws light on the issue of quantification of the compensation to the farmers for the damage caused on account of burning of the solid waste and ground water pollution. Learned Counsel appearing on behalf of the Applicant submits that the burning of solid waste and ground water pollution is likely to give rise to respiratory diseases as well as other diseases and it calls for augmentation of potential of the public health centres in Khajod to meet the health challenges that arise out of the injury to the farmers and compensation needs to be quantified accordingly. She seeks time for making detailed submission on the issue of quantification of the compensation. Time granted.

**List the case on 16<sup>th</sup> January, 2018**

....., JM  
**(Justice U. D. Salvi)**

....., EM  
**(Dr. Nagin Nanda)**