

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**M.A. No.899 of 2013**  
**In**  
**Original Application No.304 of 2013**

**Himalaya Environment and Employment Co. Society Ltd.,  
Vs.  
Pauri Municipal Council & Anr.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Date and Remarks	Orders of the Tribunal
<b>Item No. 7</b> <b>September 2, 2014</b>	<p>Learned Counsel appearing for the State of Uttarakhand has filed certain papers before us showing that with great difficulty the State Government has been able to now atleast identify a site for collection, dumping and disposal of Municipal Solid Waste (MSW) in District Pauri.</p> <p>It is submitted that this being a hilly area sites of larger size are not available and few of the earlier sites located by the State Administration for this purpose have been matter of dispute before the Court/Tribunal and/or very serious protest by the residents.</p> <p>Learned Counsel appearing for the State further submits upon instruction that they are proposing the site at Khasra No. 3681 in Patti Nadulshui within municipal limits of Nagar Palika Parishad, Pauri and measuring about 1200 sq. meters. They propose to develop it as a permanent site for dumping and disposal of MSW or any other site which may become available to the</p>

administration in the near future and would have to obtain the consent of the Board and Environmental Clearance, in accordance with law.

In the meanwhile, they seek permission of the Tribunal to use the site afore-stated as a temporary site for dumping and disposal of MSW.

Having heard the learned Counsel appearing for the parties and the proposal even being supported by the Applicant, we permit the State of Uttarakhand to use the above site as a temporary site for dumping and disposal of MSW subject to the following conditions:

1. Collection, dumping and disposal of the waste at this site would be strictly in accordance with MSW Rules, 2000.
2. There will be due segregation of MSW compostable and non-compostable particularly the plastic.
3. The segregated plastic which is capable of being recycled or re-used shall be disposed of by the concerned authority immediately and the plastic that cannot be recycled or re-used shall be crushed and used in the roads or any other appropriate purpose as the Government may feel appropriate. However, it will not be dumped at the site for indefinite period.
4. The other compostable waste will be dumped at the site in question by making proper pits providing proper impervious lining, storing the waste, cover it with soil, plastic sheets and then ensuring spray of dis-infactants on regular intervals.
5. The Authorities will ensure that the MSW collected on daily basis is properly dumped in the pits within a period of two days from its transportation to the

site. The transportation shall be done through proper vehicles duly covered and ensuring that they do not cause any environmental hazard as a result of spillage during transportation.

6. The State Government shall be entitled to fix the rates for collection of money from the persons whether residential, commercial or institutional at such rates as they may specify on the principle of polluter pays. The money so collected shall be used exclusively for setting-up of MSW plant and improving the site in accordance with Rules.
7. The site in question shall be provided with a boundary wall to ensure that the waste does not spread over areas other than the site itself.
8. Nagar Palika Parishad, Pauri and all other concerned authorities shall be personally responsible for ensuring that there is no municipal waste spread over in any of the parts of the city. The system of door-to-door collection with segregation facility should be introduced forthwith. In the event, the state authority decides the site in question to be the permanent site for MSW dumping site, it shall raise green belt around the site as well.
9. In that event, the authorities shall also provide proper lining to avoid leaching of toxic wastes in the ground water.

The application is finally disposed of in above terms without any order as to costs. However, the Applicant would be free to move the Tribunal either by filing fresh petition or reviving this petition in the event that the directions afore-stated are not carried-out by the State Authorities.

M.A. No. 899/2013 does not survive for consideration as the main Application No. 304/2013 stands finally disposed of. Consequently, M.A. No. 899/2013 is dismissed.

.....,CP  
(Swatanter Kumar)

.....,JM  
(M.S. Nambiar)

.....,EM  
(Dr.G.K. Pandey)

.....,EM  
(Prof. A.R. Yousuf)

.....,EM  
(Dr. R.C. Trivedi)

