

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

**Appeal No. 70 of 2012**

**Capt. Mall Singh & Ors. Vs. State of Punjab & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present:**             **Applicant:**  
                              **Respondents:**             **Mr. D.K. Thakur, AAG and Ms. Seema Sharma,  
DAG, State of Himachal Pradesh.  
Mr. Manoj K. Singh, Adv., Mr. Nilava Bandho  
padhya and Shri Manish Gopal Singh Lakhawat,  
Adv. for Project Proponent  
Mr. Naginder Benipal, Adv. Commissioner  
Corporation  
Mr. Kamal Jeet Singh, AAG for State of Punjab.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p style="text-align: center;"><b>Item No. 04  July 11, 2017 sn</b></p>	<p>We have heard the Learned Counsels appearing for the parties. Mr. Ajoy Sharma (IAS), Secretary, Local Government is also present.</p> <p>Having heard the matter at some length, there is a need to pass certain directions for immediate compliance.</p> <p>Before we do that, the State Government, its instrumentalities and all public authorities must realize that collection, transportation and disposal of waste in accordance with Solid Waste Management Rules, 2016 is their constitutional and statutory duty. They cannot find an excuse all the time by shifting the blame from one stakeholder to another, including the Project Proponent. It can hardly be disputed that collection, and disposal of Municipal Solid Waste and other waste, not only in the State of Punjab but in the entire country, is a serious challenge. There are enough laws in place and for proper implementation of those laws it is the executive will that can make these projects work in</p>

	<p><b>Item No. 04</b></p> <p><b>July 11, 2017 sn</b></p>	<p>the interest of environment and public health at large. The attitude of the State Government and the local authorities should be such as to encourage establishment and operationlization of such plans rather than picking up disputes with the Project Proponent or other stakeholders.</p> <p>It was the proposal of the State Government in the case of Capt. Mall Singh &amp; Ors. to establish 8 clusters for processing the municipal waste generated in the entire State. On the basis of the documentation submitted by the State, Appeal No. 70 of 2012 was disposed of by the Tribunal on 25<sup>th</sup> November, 2014. The plant at Bhatinda was to be made operative and the objections raised by the appellatant had been rejected by the Tribunal. First stage of the plant was with regard to composting and RDF and in the second phase, the project proponent was to establish waste to energy plant. The entire project has miserably failed and each of the stakeholders blames the other and the sufferer in this process is only the environment and the people of State of Punjab.</p> <p>No other project has really taken off and is stated to be functional as of today. There are certain disputes which have arisen between the parties and the project proponent is stated to have served termination notices in all the three clusters i.e. Bhatinda, Jallander and Firozpur. One of the main disputes is with regard to payment of tipping fees, regard to allotment of land and giving of possession, as far as project proponent is concerned. Non-performance, improper collection of waste and efficient disposal are the grievance of the State and</p>
--	--	--

	<p><b>Item No.</b> <b>04</b></p> <p><b>July 11,</b> <b>2017</b> <b>sn</b></p>	<p>local administration.</p> <p>Compelled with the above circumstances, we direct as follows:</p> <ol style="list-style-type: none"><li>1. The Chief Secretary of the State of Punjab shall take a meeting within one week from today. This meeting shall be attended by Secretary of Local Authorities, Secretary of Local Bodies, Secretary of Environment, Member Secretary of Pollution Control Board and the Commissioners of all the Corporations particularly Jalandhar, Bathinda and Firozpur. The project proponent shall also attend this meeting, through a representative, not less than Director Incharge/Managing Director. But it is made clear that he should be competent to make the statement on behalf of the company and it binds the company. In the meeting all the eight clusters shall be the subject matter of thorough discussion.</li><li>2. It shall be informed as to why the directions contained in the judgment of the Tribunal dated 25<sup>th</sup> November, 2014 in the case of Capt. Mall Singh &amp; Ors. Vs. State of Punjab &amp; Ors. has not been implemented so far, for which all the parties concerned are responsible for non-compliance/delay.</li><li>3. The question of payment of reasonable tipping fee, in the wisdom of the administration, shall also be deliberated upon and discussed in that meeting.</li><li>4. Giving reference in terms of the agreement of the project proponent shall also be discussed.</li></ol> <p>A clear finding would be returned in the report which is to be submitted to the Tribunal.</p>
--	---	--

	<p><b>Item No. 04</b></p> <p><b>July 11, 2017 sn</b></p>	<p>Recommendations and suggestions, as the Chief Secretary feels proper, is to be made keeping in view the entire facts and circumstances of the case, but by ensuring that the plants which have been installed starts operating effectively and to their optimum capacity, without any further delay.</p> <p>Needless to repeat, the State has to show its magnanimity to ensure compliance to the provisions of the rules and judgment of the Tribunal. The report to the Tribunal shall be submitted within two weeks from today. The Secretary and the Director Incharge of the project proponent shall also be present before the Tribunal on the next date of hearing.</p> <p>List this matter on 26<sup>th</sup> July, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
--	--	---