

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

APPLICATION NO.81/2014 (WZ)

**Kantha Vibhag Yuva Koli Samaj Parivartan Trust & Ors Vs State of Gujarat &  
Ors.**

**CORAM: HON'BLE DR JUSTICE JAWAD RAHIM, JUDICIAL MEMBER**

**HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant/ Appellant : None Appeared**  
**Respondent Nos. 1,5 : Mr. Parth H. Bhatt Adv**  
**Respondent Nos. 2,6 : Mr. Viral K. Shah Adv**  
**Respondent No.4 : Supriya Dangare Adv**  
**Respondent No.7 : Shweta . Borkar Adv**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.8 March 7, 2016 Order No.17</b>	<p style="text-align: center;">Heard.</p> <p>From the proceedings as recorded till date, it is manifest that this petition though filed in the month of July, 2014, is being adjourned and is pending only at the instance of the Respondents against whom serious allegations are made. The main allegations against them are dereliction in duty, non-performance of statutory duties in the matter relating to the Municipal Solid Waste Management (MSW) Rules, 2000. It is also alleged by the petitioner that the Respondents have failed to take action despite being put on Notice.</p> <p>Perusal of record shows that this Tribunal has observed what transpired in this proceedings as also about the fact situation. The Respondent Nos. 1 to 3 and Surat Municipal Corporation (SMC) were directed to submit detail statement about extent of waste collected. The extent of waste treated on the scheme as required under the Rules. The extent of pollutants it carries. The quantity of pollutants destroyed.</p> <p>On 22<sup>nd</sup> December, 2015, detailed order has been passed by this Tribunal, directing the Respondents concerned to submit action-plan with affidavits, at least, ten (10) days prior to scheduled date of hearing i.e. on 28<sup>th</sup> January, 2016. Despite such specific order, the Respondents have failed to submit the report and also to report compliance. We draw attention of all concerned to the observations</p>

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made by this Tribunal in its earlier orders and we express our dissatisfaction at their function.

At this stage, learned Counsel appearing for SMC submits that he has ready statement but has to get it vetted by the Additional Solicitor General and seeks time. Though we inclined to give time, we make it clear that the counters and affidavits required should be filed within time as stipulated by the Tribunal, lest, we will forfeit their right to file such statement.

It is further noted by the Tribunal, whenever directions are issued to file affidavit regarding action taken or on any vital issue, such directions are not being obeyed. Vague affidavits or vague counter statement shall not be accepted in future and will fix responsibility on the senior most officers of the Respondents. As we have noticed there is absolutely no action taken by the SMC for disposal of waste, which has become serious hazard. In the circumstances we are compelled to direct the Commissioner, SMC to be present personally in the Tribunal to make statement on following:

- 1) Extent of waste collected, treated and disposed of in accordance with mandate of Rules contained in provisions of the MSW Rules, 2000.
- 2) The particulars of the officer concerned who have failed to enforce relevant Rules and failed to comply with the directions of this Tribunal.
- 3) Statement showing time schedule in which proper waste management will be done in the area in terms of the Rules.
- 4) General undertaking that Waste Management shall be done in letter and spirit.

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**List this case on 22<sup>nd</sup> March, 2016.**

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**(Dr Justice Jawad Rahim)**

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**(Dr.Ajay A. Deshpande)**