

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

**Appeal No. 15 of 2015  
(M.A. No. 658 of 2015)**

**Saligao Civic and Consumer Cell (SCCC) & Anr.**

**Vs.**

**Goa State Infrastructure Dev. Corp. Ltd. & Ors.**

**CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL MEMBER  
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER**

**Present:**

**Appellant:** Mr. Rahul Choudhary and Mr. Ritwick Dutta, Advs.

**Respondent No. 1, 2, & 6:** Mr. Atmaram N.S. Nandkarni, AG of Goa, Mr. Dattaprasad Lawande, Mr. S.S. Rebello, Mr. Purna M. Bhandari, Mr. Anshuman Srivastava and Mr. Anuj Sharma, Advs. for State of Goa , GSIDC, GSPCB

**Respondent No. 3 :** Mr. Vijay Panjwani, Adv. wtih Mr. Bhupendra Kumar, LA, CPCB

**Respondent No. 4 :** Mr. Siddhesh Kotwal and Mr. Shreya Bhatnagar, Advs.

**Respondent No. 7 :** Mr. Vikram Grover, Mr. Rishi Raj Sharma and Mr. Rahul Sharma, Advs.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 09 January 27, 2016</b>	<p>This Appeal had been filed challenging the Environmental Clearance granted to the Project Proponent vide orders dated 04<sup>th</sup> November, 2014 and 03<sup>rd</sup> March, 2015 on different grounds. In view of the course of action that we propose to adopt, it is not necessary to refer to the facts giving rise to the present appeal in any greater detail. Suffice it to be noted that the application has been filed in public interest in which there are certain grievances that have been raised in relation to establishment of Waste to Energy plant at Saligao in the State of Goa.</p> <p>Matter was argued on different on dates during the course of which the parties came to resolve their issues. We had directed Appellant to sit down with the experts of the respondents, Government as well as the Project Proponent for the purpose. Keeping in view the fact that</p>

the entire State of Goa does not have a single Municipal Solid Waste Disposal plant as of today, it is generating about 400 MT Municipal Solid Waste every day of which 100 MT Municipal Solid Waste is from Saligao alone. In fact there was already approximately 55000 MT Municipal Solid Waste collected at the site in question. This needed solutions both in the interest of Ecology and Environment and Public Health.

After deliberations, the parties have agreed that the project could be permitted to go on subject to the compliance of the conditions that they have agreed and signed and filed before the Tribunal. Within the ambit and scope of Order XXIII Rule (1) CPC read with Section 19 of the NGT, Act, 2010, we are also of the considered opinion that resolution of these disputes would not only be in public interest but would also protect the environment. It would prevent further degradation of ecology and environment as well as public health.

Thus this Appeal No. 15 of 2015 stands disposed of while declining to set aside Environmental Clearance order dated 04<sup>th</sup> November, 2014 and 03<sup>rd</sup> March, 2015.

We direct that the Project Proponent shall be bound by the agreed terms which are as follows:-

“

- A. *The commitments on behalf of the Respondent No.1, Project Proponent and Respondent No.7, Concessionaire.*
  1. *The Plant in question at Saligao of the State Government shall be utilised to process and treat a fresh waste of 100 metric tonnes only in terms of the Environmental Clearance granted as well as the consent of the Goa State Pollution Control Board.*
  2. *In addition to the aforesaid fresh waste*

of 100 metric tonnes per day, the superficial layer of fresh waste at the existing dump shall be remedied separately at the Plant under a separate temporary consent order issued by the Board.

3. Once the fresh waste presently existing on the old waste deump is processed, the Plant shall revert to its capacity of 100 metric tonnes only, in terms of the Environmental Clearance and existing consent to establish.
4. The process of processing and handling of the existing waste including mobile and other requirements including covering the existing waste during the monsoon prior to 15 May every year shall be adequately provided for and covered by the Goa State Pollution Control Board separately in their order for consent to operate issued under the Water and Air Acts.
5. Excavation and processing of old waste from the quarry shall be completed within a period of 30 months excluding the monsoon.
6. The fresh waste which is brought in everyday upto an extent of 100 metric tonnes shall be off loaded only on the tipping floor of the Plant. There shall be no off loading of any fresh waste or dumping of any waste inside the Plant in the open area (except the tipping floor).
7. In the event of there being a breakdown of the Plant or any other apparatus thereof, then waste to the extent of 500 metric tonnes could be accumulated on the tipping floor and stored thereon and beyond this 500 metric tonnes, no fresh waste shall be received at the Plant until the Plant becomes operational upon rectification of the cause of breakdown.
8. In such circumstances, no sooner the Plant becomes re-operational, it may work to a higher capacity so as to process the existing accumulated wastes on tipping floor and new waste simultaneously till the arrears is

cleared.

9. Respondent No. 7 shall make the first portion/cell of the landfill site ready for use, and only upon its certification by the Goa State Pollution Control Board, the consent to operate the plant shall be issued by the GPSCB.

10. The plot where the Plant is situated presently has 33% green area. In addition to this green area within its precincts, in and around the Plant bordering on the periphery of the boundary of the plot where the Plant is situated has already been declared as a natural cover/no development zone. Such protection shall continue to be in operation and the area shall not be altered for any other land use except of course for natural cover/vegetation/social forestry.

11. The Plant shall be monitored continuously through CCTV footage. CCTV shall be installed by Respondent No. 7 at the Entry gate and the tipping floor and the pit head (old waste). The footage will be stored for upto 30 days and will be made available to the Respondent No. 1, or the Goa State Pollution Control Board or any other Authority which in law is entitled to conduct any inspection.

B.

1. One or two Authorised Representatives duly nominated with the Managing Director of Goa State Information Development Corporation by the present Appellants or two alternative nominees (in case earlier nominated whenever unable to attend) in their place shall be entitled to visit the Plant every month for the purpose of ensuring and satisfying on behalf of the local community that the Plant is being run and operated by the Respondent No. 7 as per the guidelines and commitments made herein. For this purpose, the same persons during visits shall be entitled to view the CCTV footage and other records available with Respondent No. 1 herein under prior

*intimation to Respondent No. 1. They will also be permitted to take pictures.*

- 2. The Appellants shall be at liberty in the event of having noticed any violations after the commencement of the Plant to be brought to the attention of the Goa State Pollution Control Board and the Director, Science and Technology.”*

Thus the Appeal No. 15 of 2015 stands disposed of without any order as to cost.

We grant liberty to Appellant to approach the Tribunal if the terms are defaulted.

**M.A. No. 658 of 2015**

The M.A. No. 658 of 2015 does not survive for consideration as the main Appeal itself stands disposed of.

Thus the M.A. No. 658 of 2015 also stands disposed of.

.....,CP  
(Swatanter Kumar)

.....,JM  
(Sonam Phintso Wangdi)

.....,EM  
(Dr. D.K. Agrawal)

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