

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

Original Application No. 123/2024
(I.A. No. 82/2024 & I.A. No.59/2024)

Sudesh Kumar

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 02.04.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Gaurav Jain, Adv. for Applicant (Through VC)

Respondent: Mr. Rahul Khurana, Adv. for R - 3, 6 & 7

ORDER

In this original application, grievance is in respect of cutting of about 500 protected trees by Municipal Corporation, Faridabad along with the Project Proponent-Respondent No.8 and use of land for construction of landfill site whereas part of land belongs to the Forest Department and Health Department which has not been transferred to the Municipal Corporation.

2. Tribunal by order dated 05.02.2024 had issued notice to the Respondents and also constituted a joint committee. Joint Committee has submitted the report dated 29.03.2024 disclosing the violations as under:-

“ 3. Finding/Observations:-

The site was inspected on 27.03.2024.

1. *The site under grievance is the land bearing Khewat No. 2214, Khatauni No. 3425 and Khewat No. 221511964, Khatauni No' 3425 situated at Village Pratapgarh is a parcel of land which is under possession with Municipal Corporation Faridabad vide transfer order no.972 dated 05.02.2018. The total land area is 50 acres and had 50 MLD Sewage Treatment Plant at the time of transfer. Now Municipal Corporation Faridabad has upgraded the STP to 100 MLD*

and is about to commission the same. The transfer document is attached as **Annexure-A colly**.

2. *Municipal Corporation Faridabad has prepared the site for decentralized waste processing system for 300 MT/ day comprising of Composting and RDF Facility without landfill site, in compliance of NGT order dated 30-01-2023 in the matter of Poonam Yadav Vs Eco Green Energy Pvt. Ltd. Presently, the site is vacant and only 0.370 acres of land is prepared for keeping garbage before it is sent for processing. The land is prepared by laying Granular sub-base and HDPE liner as per the provisions of solid waste management rules 2016. There are 16 no. of compost pits and 1 no. of concrete leachate tanks constructed with brick masonry at the site. Trommels are not yet installed at site and even electricity connection has not been obtained. The site under question is not operational yet. The photographs of site inspection are attached as **Annexure-B colly**.*
3. *As per the report of Deputy Conservator of Forest, Faridabad the locations identified as Kila no. 114/14/2, 115//3/2 18 and 117/2/3/8 have been identified as Forest Land and cutting of 180 trees is also confirmed by the same report. Report is attached as **Annexure-C colly**. The forest land is 3.03 acres of the total 50 acres of land. No development or construction has been done on the forest land but cutting of trees has been reported. A fine of Rs.46640/-has been imposed on MCF and Daksh constructions for the said violations. The copy of forest offence report and range forest office report is attached **Annexure-D colly**'. Further, as per the report of range forest office no reporting of tree falling has been noted by the range forest staff on land of MCF. The copy of range forest office report is attached as **Annexure-E colly**.*
4. *Further MCF is the owner of the rest 46.97 acres of land, out of which approximately 4 acre of land is used for the purpose sewage treatment and around 04 acre is proposed to be used for the said solid waste processing plant. MCF is only complying with the rule 15 (h) of the solid waste management rules 2016 which is reproduced as under:-*

Setup material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable materials to enable informal or authorised waste pickers and waste collectors to separate recyclables from the waste and provide easy access to waste pickers and recyclers for collection of segregated recyclable waste such as paper, plastic, metal, glass, textile from the source of generation or from material recovery facilities.”
3. The Joint Committee has made following recommendations:

“Recommendations:

- (i) MCF may be directed to obtain authorization from HSPCB before starting any process of establishment or operation on the said site. They were also directed to setup leachate treatment plant before starting operation of the said facility.*
- (ii) MCF may be directed to ensure compliance of buffer zone with green belt around the treatment facility.”*

4. Learned counsel appearing for Municipal Corporation, Faridabad as also Learned Counsel for Applicant have sought four weeks time to file objections to the joint committee report/reply to the original application. Prayer is allowed.

5. It will be open to the Respondent No.8 to file objections to the report/reply to the original application within a period of four weeks.

6. List on 09.07.2024

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 02, 2024
Original Application No. 123/2024
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JG.