

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 472/2018
(Earlier O.A. No. 19/2014 (EZ))

Rohit Chowdhury

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.08.2019

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s): Ms. Sharon Mathew and Mr. San Antony,
Advocates

For Respondent(s): Mr. Gora Chand Roy Choudhury, Advocate
for Respondent No.1

Mr. Balarko Sen and Mr. S. Mazumdar,
Advocate for Respondent No.4

Mr. Kalyan Sarkar and Mrs. Dhiswari Nag,
Advocate for Respondent Nos.8 & 9

Mr. Nalin Kohli, AAG and Mr. Ankit Roy,
Advocates for R-2

Mr. Santanu Bora, Advocate for R-6

ORDER

1. Although Affidavit in terms of the last order has been filed on behalf of the State of Assam on 30.07.2019, Mr Nalin Kohli, Learned Additional Advocate General for the State of Assam, submits that after filing of the affidavit, certain developments have taken place which require to be placed on record. He states that meetings were held on 29.07.2019, 03.08.2019 and 04.08.2019 on the subject and visits undertaken of all the proposed sites identified for setting up of the solid waste management plant alternative to the existing one.

2. Matter relating to the protection of elephant corridor had also been discussed and it had been decided that if the railway line is realigned, the problem with regard to the elephant corridors would be resolved. Mr. Kohli has placed before us Minutes of the Meetings and Google Earth Map of the area in question and the proposed realignment of the railway line.

3. After having deliberated substantially, we are of the view that a comprehensive affidavit requires to be filed to place the proposal of the State Government and the railways before us with specific timelines having regard to the fact that this matter has been lingering on without any resolution since the year 2014.

4. We, however, deem it appropriate to observe that while deciding on the alternative site, it ought to be developed as an integrated solid waste management plant as prescribed under the Solid Waste Management Rules, 2016 in order to take care of future space requirements. It would also be appropriate for the State to plan decentralised processing plant to be established in suitable locations of the city as a support system for the proposed integrated solid waste management plant.

5. The other question that would incidentally arise would be the encroachments on the water body. It had been fairly conceded that there are encroachments along the water body regarding which earlier specific orders had been passed by the Tribunal prohibiting any further encroachment and to take steps for removal of the existing ones. It had also been directed that the water body should be made free from all the hydrophytes and atleast get the core area restored to its pristine condition at the

first instance. A Report in this regard be also placed by the State in its Affidavit.

6. The other aspect which appears to have been deliberated in the meeting on 04.08.2019 is with regard to change in land utilization character from railway gate number 273 to the starting point of northern alignment of railway track and Azra railway crossing at Segunbari, Mikirpara and Matia elephant corridors. This also requires to be stopped forthwith in order to ensure that the corridor of elephant is kept free for accessing the Deepor Beel and also to avoid man or animal conflict. It is accordingly directed so.
7. The State shall also declare the eco-sensitive zone for the Deepor Beel including the adjacent sanctuary. Last but not the least is the requirement to deal with the legacy / old waste of the existing dumping ground at Goraigaon which would be necessary to be incorporated in the comprehensive plan. In this regard reference may be made to clause (J) of schedule to the Solid Waste Management Rules, 2016.
8. Let the affidavit as directed above be filed within four weeks as prayed for with advance copy to the applicant.
9. List on 27th September, 2019.

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

19th August, 2019

O.A. No. 472/2018 (EZ)

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