

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

Original Application No. 606/2018
(IA No. 163/2021)

(In respect of State of West Bengal)

Compliance of Municipal Solid Waste Management Rules, 2016 and other
environmental issues.

Date of hearing: 22.02.2024

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

Respondent: Ms. Madhumita Bhattacharjee, Adv. for the State of West Bengal

ORDER

1. The Tribunal in this original application is dealing with the issue of compliance of environmental norms for solid and liquid waste management as per the orders of Hon'ble the Supreme Court dated 02.09.2014 in *Writ Petition No. 888/1996, Almitra H. Patel vs. Union of India & Ors.* and 22.02.2017 in W.P. No. 375/2012 (reported in (2017) 5 SCC 326), in the matter of *Paryavaran Suraksha vs. Union of India*.

2. The matter is taken up today in respect of compliance by the **State of West Bengal**. Half yearly compliance report dated 18.12.2023 has been submitted by the State of West Bengal which is perused and the arguments of Counsel for the State of West Bengal are heard.

3. On the perusal of six-monthly report filed on 18.12.2023, we find as under:

(a) With regard to the solid waste management at Annexure A of the report filed by Government of West Bengal, it is seen that the total waste generation in the ULBs is 13469 TPD and the processing is only 3300 TPD. Therefore, a gap in processing is around 8982 TPD. However, actual gap will be 10,169 TPD as waste of 1187 TPD shown as secured land fill is not a waste processing as per MSW Rules, 2016. Thus, 10,169 TPD is getting accrued as legacy waste. From the report it is also observed that out of 125 ULBs only 67 ULBs are covered under solid waste management and 58 ULBs are yet to be covered. Further the timeline for addressing the solid waste management in the balance 58 ULBs is December, 2024. With regard to legacy waste, there are 123 dump sites with 110.20 lakh tones. The time frame for clearing the dump site is December, 2024 and presently only 69 dump sites have been cleared so far. But, no information has been disclosed in respect of quantity of waste remediated and quantity of waste yet to be bio-mined.

(b) With regard to sewage management Annexure I of the report, provides that the existing numbers of STPs are 45 which have an installed capacity of 1647.6 MLD. However, the functioning capacity of these STPs including the treated water quality at the discharge point and utilization of treated sewage has not been provided. Further, it is not mentioned as to how much quantity of sewage is subjected to East Kolkata Wetland and primary treatment facilities. Further, the table also indicates that 11 STPs with 222.6 MLD are under construction and 8 STPs with 361.7 MLD are under renovation including 30 STPs

with 665 MLD are under proposal/tender stage. However, no timelines have been provided for operationalizing these STPs which are presently at the stages of completion, renovation or at proposal/tender stage. This indicates that 1249.3 MLD is being discharged in untreated form thereby harming the receiving environment.

- (c) Since, there is huge gap in sewage and solid waste management, it is necessary that the next six monthly report should include ULB-wise status, giving current status of existing capacities and timebound plan to bridge the gap for liquid and solid waste management.

4. Considering the report in the light of details which were disclosed in the previous proceedings, we find that there is no progress in proper management of solid and liquid waste. During the course of arguments, we had indicated to Counsel for the State of West Bengal that for unsatisfactory performance for the subsequent period, the environmental compensation can be imposed and that there is also an option for prosecuting the concerned officer under Section 26 of the NGT Act, 2010 for non-compliance of the orders. At this stage, learned Counsel for the State of West Bengal has submitted that the Chief Secretary of the State may not be prosecuted and last opportunity be granted to the State to show a better performance and compliance of orders of the Tribunal in respect of solid and liquid waste management in the State.

5. Hence, we permit the Chief Secretary, State of West Bengal to file the next six monthly report in the form of affidavit keeping in view the observations made above and indicating the substantial progress and compliance of direction of the Tribunal.

6. List the matter on 22.08.2024 for consideration of report in respect of State of West Bengal.

7. For State of Rajasthan, the matter be listed on 27.02.2024 as per earlier direction.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 22, 2024
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