

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 77/2021(CZ)

Jogendra Singh

Applicant

Versus

M/s. Bhopal Incinerators Limited

Respondent

Date of hearing: 13.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant: Mr. Rishabh Singh Chauhan, Advocate

Respondent(s): Mr. Sachin K. Verma, Advocate for the State of M.P.
Ms. Parul Bhadoria, Advocate for MPPCB
Mr. Om Shankar Shrivastava, Advocate

ORDER

1. Prayer in this application is against incinerator being operated by the project proponent, respondent No.1, M/s Bhopal Incinerators Limited, Bhopal for treatment of bio-medical waste. According to the applicant, consent has been granted by the State PCB only for collection and transportation of waste and not for treatment and thus, the operation of respondent No.1 is against law.

2. Vide order dated 27.10.2021, notice was issued and a joint Committee of CPCB and the State PCB was constituted to furnish a factual report in the matter.

3. Accordingly, report of the joint Committee dated 18.11.2021 has been filed which is extracted below:-

“ISSUE1-Illegal operation of CBWTF without consent and authorization.

1. *The unit located in Govindpura industrial area and having valid combined consent under Air, Water and authorisation under BMWM, Rules 2016 upto 7.12.2021.*
2. *As per consent the unit is authorised for collection and transport of Covid and other bio medical waste for further treatment will be done at M/s India Waste Management, Mandidecp and unit doing accordingly.*
3. *It was observed that presently the unit collecting the waste only from 36 government-owned HCFs and all the earlier private member HCFs discontinued the membership from this unit.*
4. *It was observed that the unit was not in operation since long and autoclave and two shredders shifted, only one shredder was laying there but electrical panel and wiring found in damaged condition. The shredder was not in operative condition.*

ISSUE2-The CBWTF not obtained environmental clearance.

1. *EIA notification 2006 is applicable from 14th September 2006 at that time the Bio Medical Waste Treatment Facilities were not listed in the Schedule activities for which Environmental clearance was required. Ministry of Environment, Forest and Climate Change. New Delhi vide notification dated 17th April 2015 added the Bio Medical Waste Treatment Facilities under "7(d)(a)" of Schedule of EIA Notification 2006 to obtain environmental clearance. In light of above, now the CBWTEs are required to obtain Environmental clearance. It is observed that the retrospective applicability of the notification dated 17 April 2015 is not mentioned in the notification.*
2. *Unit has obtained Consent under Water (Prevention and control of pollution) Act 1974, Air (Prevention and control of pollution) Act 1981 and Authorization under BMWM Rules 2016 is renewed upto 7/12/2021 (for collection and transport) vide Board letter dated 28/11/2020. As per record the (CBWTF) facility was established in the Year 2002, before the EIA notification 2006 and requirement of environmental clearance.*
3. *In the similar matter in year 2018 a petition was filed by OA no. 2-48/2018 in central zone of Hon'ble NGT Bhopal Incinerator Ltd. Vs Balwant Singh Raghuwanshi. The matter was related to sitting criteria for installation of CBWTF and other related issues. M/s Bhopal Incinerator appealed in Hon'ble Supreme Court in same case and now it is pending before the Hon'ble Supreme Court by civil appeal no. 881-882/2019. The record of proceedings of the same is enclosed as Annexure-01*

ISSUE3-BMW collected from more than 14000 beds and being stored more than 48 Hr.

1. To verify the above fact latest list of HCFs member is obtained from the unit and it was observed that as on date 36 government HCFs having the membership of unit with total bed strength of 4173 only.
2. At the time of visit neither storage of BMW nor the any kind of storage related activity was observed. On the basis of the evidence available during visit it can be assumed that no such type of activity takes place in last couple of days also. To further verify the fact backyard of the unit was also visited and no evidence of any kind of BMW storage was observed, only heightened bushes and grasses had been growing at this site
3. No accumulation of waste was observed at the earlier storage area of treated waste and thick layer of the dust found deposited on the floor of the room.

ISSUE4-Incinerator operated in night hour

1. At the time of visit two incinerators were found in damaged physical condition. It was observed that the ID / FD fan, PLC panel, main electric supply cable, APCD system, fuel supply system, internal lining of chambers either removed or badly damaged due to corrosion
2. The connecting vent of incinerator and stack has been dismantled. The main part of the APCD i.e. ventury and water storage tank was also found damaged and highly corroded. The emergency vent and damper system was also found partially damaged.
3. In incinerator side electric wiring, main control panel. solenoid valves and hydraulic cylinders of feeding system which are very much required for functionality of any incinerator were also found damaged
4. In the view of above and on the basis of present physical condition of incinerator machine is not in operative condition.

ISSUE5-TheCBWTF notyet dismantle theincinerator and stack

As above presently the unit is not in the condition to operate as plant & machineries are detached with each other.

Others:

1. For continuation of any consent and authorization unit has to apply 6 month before its expiry but so far unit has not applied for its further renewal.
2. As the unit has already planned to close its operation so in this regard they have informed to CETP vide letter dated 24/7/2021 to discontinue the membership. The correspondence in this regard enclosed as Annexure-02
3. During visit it was observed tiles and flooring inside the untreated waste storage room found damaged. Roof and

window of main process area also found damaged from various points.

- 4. Heighted bushes and grasses had been growing in the plant premises and earlier office area*
- 5. In general electrical wiring, and switch boards of the other points were found damaged.*
- 6. The sharp pit was also verified during visit and it was also found empty.*
- 7. The unit has obtained authorization under HW Rules for generation of incineration ash. No incinerator ash found stored inside the plant premises and earlier storage area also.*
- 8. For collection purpose the unit has 8 GPS enabled vehicles and all vehicles collecting the waste on behalf of unit and sending to M/s IWM, Mandideep for further treatment. The vehicles and GPS details are enclosed as Annexure-03.*
- 9. As per the CPCB guideline the unit has downloaded the 'COVID19BWM app and submitting the Covid waste collection data on it.*

Recommendation:-

On the basis of the joint inspection of the committee the following recommendations are given:-

- 1. The unit shall comply the condition 'incinerator will be dismantled or suitably relocate and chimney should be dismantled' as given in authorization dated 28.11.2020.*
- 2. Unit shall inform the SPCB for action taken in this regard.”*

- 4. In view of above, since the unit is not in operation since long and the PP has informed about the closure, no further order is necessary.*

The Application is disposed of.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Arun Kumar Verma, EM

December 13, 2021
Original Application No. 77/2021(CZ)
AB