

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

Original Application No. 250/2024
(IA No. 118/2024)

Sudesh Prakash Sabberwal

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.10.2025

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

Applicant: Ms. Sunita Bhardwaj, Adv. for Applicant

Respondents: Ms. Puja S. Kalra & Mr. Virendra Singh, Advs. for MCD
Ms. Suman Arora, Adv. for CPCB

ORDER

1. The Applicant being an 85 years old senior citizen residing in South Extension, Part-I, New Delhi has filed this original application raising a grievance against the *Dhalao* (garbage dump) situated just 30 meters away opposite to the All India Institute of Medical Science (for short, "AIIMS") at Ring Road. The Applicant alleges that it is an open garbage dump having stretch of around 30 meters which is a major source of pollution around AIIMS. The waste of commercial shops, restaurants, medical waste and even roadside vegetable sellers dump their rotten produce on this *Dhalao*. The Applicant has prayed for closure of this *Dhalao* which is located opposite to AIIMS Gate No. 6. Further prayer has been made to restrain the Respondent No. 4 – Municipal Corporation of Delhi (for short, "MCD") from dumping waste in this *Dhalao*.

2. The Delhi Pollution Control Board (for short, "DPCC") has filed the reply disclosing about mismanaged status of the *Dhalao*.

3. Central Pollution Control Board (for short, “CPCB”) has filed the report recommending closure of the *Dhalao*.
4. The MCD has filed the reports dated 06.01.2025 and 07.07.2025 disclosing the steps which are taken for clearing the waste from the *Dhalao*.
5. Having heard the learned Counsel for the parties and on the perusal of the record, it is noticed that as per the Applicant, the *Dhalao* (garbage dump) is situated 70 meters away opposite to the AIIMS at the Ring Road and is situated 50 meters opposite AIIMS Gate No. 6.
6. The Respondent – MCD has admitted that the *Dhalao* exists near Gate No. 6 of AIIMS in opposite side of AIIMS and other side of Ring Road, South Extension, Part-I by taking the plea that the *Dhalao* is situated 180 meters away. Hence it is clear that the *Dhalao* in question exists in the vicinity of Gate No. 6 of the AIIMS.
7. So far as the status of management of the *Dhalao* is concerned, the DPCC had carried out the inspection of the *Dhalao* on 08.10.2024 and had found as under:

“xxxxxx.....xxx
5. That, to reconfirm the status of site re-inspection was carried out on 08.10.2024 by the officials of DPCC. Following are brief of observations made during the Inspection:

- i. The *Dhalao* found partially filled with mixed garbage and spilling over the road in front of the *Dhalao*.
- ii. The *Dhalao* is bounded on three sides. However, without any Gate and open from top(not having roof).
- iii. Total 11 Garbage Bins observed at *Dhalao*. All found filled with mixed Garbage. Some of the Garbage bins were placed at roadside.
- iv. Some Garbage found lying on the road side.
- v. There was foul smell due to garbage.
- vi. At the time of Inspection, 06 no. of informal ragpickers found unloading garbage into the *dhalao* and segregating

Cardboard, Plastic bottles, Glass bottles and Thermacol from the garbage and collecting... their bags.

- vii. As per local enquiry, garbage lifting at the Dhalao is done twice in a day (morning and evening). However, sometimes the garbage is not lifted at regular intervals leading to the overfilling of Dhalao and spilling of garbage on the road.*
- viii. Tricycles of Agency and informal ragpickers found on the road side.*

Copy of the Inspection Report dated 08.10.2024 alongwith Geo-tagged photographs are enclosed herewith as Annexure-2(Colly)."

8. Though the MCD in its status report dated 16.01.2026 had admitted the inspection by the DPCC on 08.10.2024 and the deficiencies noted above and mentioned about initiating the proposal for improving the *Dhalao* with the allocation of budget of Rs. 15,98,600/- and steps taken for appointment of Concessionaire, but the subsequent report of the MCD dated 17.07.2025 discloses that till now the work has not been awarded after the NIT dated 15.07.2025.

9. The Tribunal in OA No. 202/2023 in the matter of *Gaurav Sharma vs. Govt. of NCT of Delhi & Ors.* had considered the issue of failure of the statutory and administrative authorities to control air pollution in and around Premier Healthcare Institutions, including AIIMS Delhi. The Tribunal had formed a Joint Committee which had mainly submitted the report in respect of traffic congestion, but one of the recommendations of the Expert Committee was to ensure daily lifting of garbage so that there is no spillover on the roads concerning the *Dhalao*.

10. The Tribunal had accepted the report of the Joint Committee and by the order dated 03.07.2023 passed in OA No. 202/2023 had directed as under:

"xxxxxx.....xxx
9. Since there is no objection to the report of the joint Committee and we see no reason not to accept the same, we accept the report and

issue directions in terms thereof. We also agree that a hospital complex being an environmentally sensitive area, an environment management plan is required not only covering the campus but also surrounding periphery. Prohibited and regulated activities need to be identified and mentioned in such plan with nodal agency for monitoring compliance and dedicated funds. This is part of right of citizens to clean environment and sustainable development principle. This is also part of fundamental duty under Article 51 A of the Constitution and obligation of the State under Article 48A.

10. Accordingly, we direct that measures suggested in the report be taken in a time bound manner.”

11. The Tribunal in the OA No. 92/2023 in the matter of *Sh. Neel Mani vs. South Delhi Municipal Corporation & Ors.*, while passing the order dated 04.09.2023 had considered the issue of closure of the *Dhalao*. The Tribunal had considered the undertaking of the MCD while examining the issue of closure of the *Dhalaos* in Delhi and had directed as under:

“xxxxxx.....xxx
7. MCD shall be bound by the undertaking given in the status report and shall close the dhalao in question at the earliest but latest by 31.12.2024 and maintain good sanitary and hygienic conditions till closing thereof.

8. We find that MCD has proposed alternative use of dhalao as mentioned in the Status Report, However, we consider that use of dhalao for MRF, Decentralized composting Pits and attendance of safaikaramcharis will not be appropriate and is likely to perpetuate the very same state of affairs which closing of dhalao is meant to remediate Therefore, it will be appropriate that on closure such dhalao are alternatively used as Milk Booth, EV Infrastructure (IGL), Library, Reading Room, Training Centre for less privileged women and children or Senior Citizen Recreation Centre.

9. MCD shall also take appropriate steps to close the remaining dhalao with specific timelines as per directions of the Chief Secretary, Government of NCT of Delhi and directions given by this Tribunal for ensuring compliance with Solid Waste Management Rules, 2016.

10. The CPCB is directed to look into the aspect of issuance of appropriate Standard Operating Procedure (SOP) on the subject applicable to all States/UTs, as already directed by this Tribunal, within three months and file action taken report with the Registrar General of this Tribunal who may, if necessary, direct listing of the matter before the Bench for further directions.”

12. In terms of the above order, the MCD is required to close down the *Dhalaos*.

13. The CPCB has framed Standard Operating Procedure (for short, “SOP”) for setting up and operation of the Secondary Storage and Transportation Facilities (for short, “SSTF”) for municipal solid waste on 23.12.2024 in compliance of the order of the Tribunal in OA No. 92/2023. Paragraph 5.3 of the SOP in clear terms provides that:

“5.3 Identification of Location Criteria for Setting up of SSF and placement of STF

Location for Setting up SSF should be identified taking into consideration the following points:

- Placement of Secondary Storage facilities to be avoided in densely populated areas. The same to be placed in isolated areas and should not be placed adjacent/near to sensitive areas such as schools and hospitals.*
- SSFs should be avoided near water bodies, flood-prone zones, or ecologically sensitive areas to prevent contamination and environmental damage.*
- Location at which the STF is to be placed should also be identified following the above criteria.”*

14. In terms of the above SOP, Secondary Storage Facility (for short, “SSF”) and Secondary Transportation Facility (for short, “STF”) should not be located in densely populated area and near sensitive areas such as schools and hospitals.

15. Since the *Dhalao* in question is in densely populated area and it is near the hospital (AIIMS), therefore, this *Dhalao* violates the above SOP.

16. The CPCB has filed the reply dated 31.01.2025 recommending closure of this *Dhalao* because it is located next to the hospital area. The recommendation of the CPCB in this regard is as under:

“xxxxxx.....xxx
23. It was informed by MCD during the meeting that approximately 10-12 TPD of waste was stored at this site. As per Minutes of the Third Meeting of Solid Waste Management Committee dated 23.9.24 (Point No. 3) (Annexure VIII C), MCD has submitted that 970 out of 1496 dhalaos have been closed and the remaining dhalos have been kept

for setting up for small waste processing facilities/ Material recovery facilities, silt storage etc. In view of the fact that the said dhalao is located next to the hospital area, it is humbly submitted that MCD should close operations at this dhalao on priority and provide timeline for the same. Further, till such time operations at this dhalao are closed, necessary actions should be taken by MCD to comply with Directions issued by DPCC to control odour and prevent spillage in the area in and around the said dhalao.”

17. The report of the CPCB discloses that the MCD has already closed 970 Dhalaos out of 1496 Dhalaos.

18. Since the *Dhalao* in question is existing near the AIIMS hospital and in the vicinity of densely populated area and is violating the SOP prepared by the CPCB and considering the entire circumstances, the CPCB in its report dated 31.01.2025 has recommended closure of this *Dhalao*. Therefore, the MCD **is directed to** take expeditious steps for closure of this *Dhalao* and make every endeavour to close it within six months and make other suitable arrangements for waste collection/storage and transportation at other location which does not cause public nuisance.

19. Till the present *Dhalao* is closed, the MCD **is directed to** fully comply with the clause 5.6 of the SOP issued by the CPCB in respect of environmental protection measures to be taken to minimize adverse environment effect of SSF and STF. The clause 5.6 of the SOP is as under:

“5.6 Environmental Protection Measures

The following measures should be taken to minimize adverse environmental impact of the SSF and STF

- **Covered storage:** *The collection & storage equipment should be covered to avoid ingress of rain water.*
- **Lining:** *Lining of impervious material to be provided in case of SSF, so as to restrict percolation of waste water/leachate to prevent groundwater contamination.*
- **Odour management:** *Necessary measures, including properly designed equipment to avoid spillage, regular synchronized collection of waste to prevent waste decomposition, spray of disinfectants and deodorants to be*

taken to minimize odour due to waste handling at SSF and STF.

- ***Leachate Management:*** Adequate provisions for collection, treatment and disposal of waste water generated from SSF and STF to be made as per stipulated norms.
- ***Rejects:*** The rejects generated at SSF to be managed properly as per provisions of the relevant Solid Waste Management Rules.
- ***Fire management:*** Appropriate fire prevention measures to be taken by Local bodies to prevent fire incidents at SSF.
- ***Impact on Aesthetics:*** Green belt to be developed wherever possible. or barriers to be erected around the SSF to minimize depreciative impact of the SSF on the aesthetics of the surroundings. Temporary barriers to be placed during operations of STF.”

20. Till the *Dhalao* is closed, the DPCC will **carry out** the regulatory monitoring of the *Dhalao* and if the garbage is not cleared from the *Dhalao* and found to be littered in or around the *Dhalao*, it will take appropriate remedial and punitive actions immediately.

21. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 16, 2025
Original Application No. 250/2024
(IA No. 118/2024)
dv