

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Miscellaneous Application No.46/2024/EZ

In

Original Application No.05/2023/EZ

K. S. Upadhyay

Applicant(s)

Versus

Jharkhand Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 11.12.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sanjay Upadhyay, Sr. Adv. (in Virtual Mode)

**ORDER**

1. The Original Application No.05/2023/EZ *K. S. Upadhyay Versus Jharkhand Pollution Control Board & Ors.* was disposed of by this Tribunal on 05.04.2023 with the following directions contained in para 18 of the order which reads as under: -

*“18. In this view of the matter, nothing further remains for adjudication in the present Original Application. We dispose of the Original Application with a direction to the Respondent No.2, “Deputy Commissioner, East Singhbhum, Jharkhand, to ensure that the entire garbage and legacy waste is removed from the existing landfill site and the said land is completely restored and the garbage is duly treated and bio-mined strictly as per the Solid Waste Management Rules, 2016 and the guidelines issued by the Central Pollution Control Board already referred to hereinabove, by **31.12.2024.**”*

2. The present Miscellaneous Application has been filed by the Applicant alleging violation of the directions given by the Tribunal in its judgment and order dated 05.04.2023. Along with this Miscellaneous Application, photographs have been filed as published in the newspaper 'Hindustan' dated 09.12.2024 showing massive fire in the illegal landfill. This prima facie shows that the order of the Tribunal given more than one and half years ago, has not been complied with.
3. We, therefore direct the Member Secretary, Jharkhand State Pollution Control Board and the Deputy Commissioner, East Singhbhum to take immediate steps to control the fire and consequent adverse impact including pollution and file their personal affidavit and Action Taken Report with regard to the allegations made in the Miscellaneous Application and the photographs published in the newspaper 'Hindustan' dated 09.12.2024.
4. Mr. Ashok Prasad, learned Counsel appearing for the Jharkhand State Pollution Control Board and Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode) for the State Respondents, Government of Jharkhand are granted two weeks time to file affidavits on behalf of the Respondent Nos.1 and 2 respectively.
5. **List on 08.01.2025.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

December 11, 2024,  
Miscellaneous Application No.46/2024/EZ  
In  
Original Application No.05/2023/EZ  
SKB