

APHC010091712026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3572]

FRIDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 5052/2026

Between:

1.MEDICARE ENVIRONMENTAL MANAGEMENT PVT LTD,, REP BY SIVA VENKATA REDDY MERUVA, S/O MERUVA RAM REDDY, PROJECT HEAD, AGED ABOUT 39 YEARS. LEVEL 11B, AUROBINDO GALAXY, HYDERABAD KNOWLEDGE CITY,HITECH CITY, HYDERABAD, TELANAGANA- 500081.

...PETITIONER

AND

1.UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE NEW DELHI. 110001

2.CENTRAL POLLUTION CONTROL BOARD, REP BY ITS MEMBER SECRETARY, HAVING ITS OFFICE SITUATED AT PARIVESH BHAVAN, EAST ARJUN NAGAR, DELHI-110032,

3.ANDHRA PRADESH STATE POLLUTION CONTROL BOARD, REP BY ITS MEMBER SECRETARY, HEAD OFFICE, API 1C COLONY, BESIDE RYTHU BAZAR, VIJAYAWADA-520007.

4.M/S GODAVARI BIO MANAGEMENT, HAVING ITS OFFICE AT D.NO.231, PEDDADA PEDAPUDI MANDAL. EAST GODAVARI DISTRICT, A.P.533344. REP BY ITS MANGING PARTNER MR.Y. PAPA RAO.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction one in the nature of writ of mandamus declaring the inaction of the respondents in disposing of the representation dt. 13-01-2026 submitted by the petitioner to the 3rd respondent as highly arbitrary, illegal and unconstitutional and violation of Art. 19(1)(g) of the constitution and consequentially direct the 3rd respondent to consider and dispose of the representation dt. 13-01-2026 of the petitioner and until then not to issue Control to operate (CTO) order to the 4th respondent and to pass such

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent not to grant Control to Operate (CTO) order to the 4th respondent until the disposal of the representation dt. 13-01-2026 of the petitioner, pending disposal of the above writ petition and pass such

Counsel for the Petitioner:

1. T M K CHAITANYA

Counsel for the Respondent(S):

1. D S SIVADARSHAN

2.

The Court made the following:

ORDER :-(*per Hon'ble Sri Justice Ravi Nath Tilhari*)

Heard Sri T.M.K. Chaitanya, learned counsel for the petitioner, Sri S.S.Varma, learned counsel for respondent Nos.1 and 2, Sri Burlu Chandra Sekhar, learned counsel representing Sri Bolla Venkata Rama Rao, learned Standing Counsel for the Andhra Pradesh Pollution Control Board (in short 'APPCB'), appearing for respondent No.3, and Sri D.Satya Siva Darshan, learned counsel for respondent No.4.

2. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner, being aggrieved by the inaction of the respondents in not disposing of the representation dated 13.01.2026 submitted to the 3rd respondent, and seeking a consequential direction to the 3rd respondent to consider and dispose of the representation.

3. The petitioner's case in brief is that the Consent to Operate (CTO) for the Common Bio-Medical Waste Treatment Facility (CBWTF) located at Rajahmundry, East Godavari District, was initially granted to E.V.B. Technologies. Subsequently, the same was transferred to the petitioner-company, Medicare Environmental Management Pvt. Ltd. The transfer of management was communicated to the Board *vide* letters dated 17.10.2025 and 11.11.2025 (Ex.P3), addressed by the petitioner and E.V.B. Technologies, requesting transfer of consent and authorization in favour of the petitioner-company along with the Business Transfer Agreement. The validity of the CTO expired on 31.01.2026 but

prior thereto, the petitioner submitted an application for renewal of CTO on 05.01.2026.

4. The petitioner was informed of the meeting of the Board held on 13.01.2026 and the petitioner attended the meeting along with other stakeholders. Pursuant to the meeting, the petitioner submitted a representation dated 13.01.2026 (Ex.P1), raising certain pleas, with a prayer as follows :

“Prayer:

In view of the above mentioned facts and justifications, we humbly request the Hon'ble Board to :

- 1. Reconsider and withhold the decision to grant Consent for Operation (CFO) to the new proposed CBWTF in the erstwhile East Godavari district.*
- 2. Allow the existing facility to continue serving the region within 75 km radius without jurisdictional bifurcation, and*
- 3. Permit the existing operator to undertake capacity enhancement, as per BMW guidelines, whenever required.”*

5. One of the prayers in the representation submitted by the petitioner is a request to the Board to reconsider and withhold its decision to grant Consent for Operation (CFO) to the proposed Common Bio-Medical Waste Treatment Facility (CBWTF) in the erstwhile East

Godavari District, which is proposed to be established by respondent No.4.

6. Sri Burlu Chandra Sekhar, learned counsel representing Sri Bolla Venkata Rama Rao, learned Standing Counsel for APPCB, appearing for respondent No.3, submits that the petitioner's representation is not maintainable. He submits that, as per Condition No.8 of the CTO originally granted to E.V.B. Technologies, (i) the application for renewal ought to have been filed at least 120 days prior to the expiry of the CTO, and (ii) any change in management was required to be intimated to the Board. According to him, the alleged transfer of management in favour of the petitioner was not duly intimated to the Board and, therefore, the petitioner's representation is not maintainable.

7. Learned counsel for the petitioner, in reply, reiterates that the change in the management was duly intimated to the Board in the year 2025 itself, in compliance with Condition No.8.

8. Sri D. Satya Siva Darshan, learned counsel for respondent No.4, submits that the application for grant of CTO in favour of respondent No.4 is also pending before the Board and that the necessary formalities had been completed and the respondent No.4 was also heard in the meeting held on 13.01.2026.

9. Having considered the aforesaid submissions, since the applications relating to renewal of CTO in favour of the petitioner as also the grant of CTO to the respondent No.4 are still pending before the Pollution Control Board, we are not inclined to enter into the merits of the case of the parties for grant/refusal or in opposing each other's claim. We consider it appropriate in the interest of justice, to direct the Pollution Control Board to dispose of the petitioner's representation dated 13.01.2026 with due opportunity to the petitioner as also the respondent No.4. The question whether the transfer of the management was duly intimated to the Board or/and whether the application for renewal was filed within the prescribed period of 120 days, are all questions which can be better addressed by the Board, while considering the representation.

10. The Writ Petition is therefore, ***disposed of*** with the directions that the Andhra Pradesh Pollution Control Board shall consider and dispose of the petitioner's representation dated 13.01.2026, after affording an opportunity of hearing to the petitioner, the respondent No.4, as also other stakeholders, if any, by passing a reasoned order in accordance with law within a period of four (04) weeks from the date of receipt of a copy of this order.

11. It is clarified that this Court has not expressed any opinion on the merits of the claims of either the petitioner or the respondent No.4.

12. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

BALAJI MEDAMALLI, J

Date :20.02.2026.
RPD.

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

(DISPOSED OF)

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Date: 20.02.2026

RPD.