

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 6 of 2023**

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AMIT MANIBHAI PANCHAL

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR. AMIT PANCHAL, PARTY IN PERSON(5000) WITH MR. ANGNESESH PANCHAL, MS. DEVANGI SOLANKI, AMICUS CURIAE for the Applicant(s) No. 1

MR. KAMAL TRIVED, ADVOCATE GENERAL WITH MR. VINAY BAIRAGRA, AGP for the Opponent(s) No. 1 TO 4

MR. MITESH AMIN, SR. ADV. WITH MR HS MUNSHAW(495) for the Opponent(s) No. 5

SIDDHANT R SHAH(8722) for the Opponent(s) No. 6

MS. MANISHA LAVKUMAR SHAH, SR. ADV. WITH SIDDHARTH S RAMI(8342) for the Opponent(s) No. 8,9

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 06/12/2024

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

Perused the affidavit dated 26.11.2024 of the Commissioner, Junagadh Municipal Corporation. The unconditional apology tendered by the officer in view of the corrective measures adopted at his ends in the matter of management of plastic waste, is hereby accepted.

2. Coming to the affidavit dated 6th December, 2024 of the Principal

Secretary, Urban Development and Urban Housing Department, Gujarat, we may note the efforts made by the Monitoring Committee by conducting weekly meetings with the Municipal Commissioners of all the Municipal Corporations, instructions issued by it and resolving to review and monitor end-to-end plastic waste management by holding monthly meetings.

3. It is brought before us by the learned Advocate General appearing for the State respondents that in the State level meeting of Monitoring Committee held on 02.12.2024 under the Chairmanship of the Principal Secretary, Urban Development and Urban Housing Department, all the Municipal Corporations and Nagar Palikas have been directed to provide the requisite details in relation to the current waste generation and disposal mechanisms adopted, as well as their action plan to reduce the waste generation at the source and strengthen disposal infrastructure. All the Municipal Corporations and Nagarpalikas have been further instructed to develop robust systems for final waste disposal and reduction of plastic waste generation as well as focusing on establishing coordinated efforts with the Gujarat Pollution Control Board to ensure effective implementation of the Plastic Management Rules, 2016. It is placed from the affidavit of the Principal Secretary, Urban Development

and Urban Housing Department that the task of collection of the data of all the Municipal Corporations and the Nagarpalikas is in progress, which may be placed before the Monitoring Committee for further action. The time, as prayed for, to complete the said task is hereby granted.

4. An affidavit dated 4th December, 2024 has been filed by the Chief Officer, Okha Nagarpalika in compliance of order dated 25.10.2024 passed by this Court, wherein it is sought to be submitted that all corrective measures have been taken and the faulty agreement executed by the Okha Nagarpalima on 07.10.2024 with an agency named Sampurn Earth Environment Solutions Private Limited has been cancelled and a communication in this regard was sent on 3.12.2024. A fresh agreement has been entered into on 3/5.12.2024 with an agency named Earth Enviro Wastocare situated at Rajkot whose Consent to Establish Certificate is valid till 20.10.2026 and Consolidated Consent and Authorization is having validity upto 31.12.2025. The copy of the agreement is placed on record at page No. 1444-1445 has been placed before us.

5. We direct the Chief Officer, Okha Nagarpalika to immediately send information of engagement of a new facility for plastic waste management and all steps taken by Okha Nagarpalika in compliance of

Plastic Waste Management Rules, 2016.

5. As submitted by the learned counsel appearing for the GPCB, standard operating procedure (SOP) has been circulated across the State and instructions have been issued to all the local bodies under the Swatchchh Bharat Abhiyhan to furnish the details of the facilities engaged by the local bodies for the plastic waste management and such details are being collected, for which some more time is needed to collate the same and to proceed for inspection process. The time, as prayed for by the learned counsel for the GPCB, is hereby granted. However, the GPCB is directed to monitor by making inspection of the plastic waste management facilities established by the Okha Nagarpalika and Junagadh Municipal Corporation, as submitted before us in the present proceedings and submit its report by the next date fixed.

Put up on 10.01.2025 at 12.30 P.M.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

C.M. JOSHI