

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 M PANCHAL, PARTY IN PERSON(5000) for the Applicant(s) No. 1
MS DEVANGI SOLANKI, AMICUS CURIAE
MS MANISHA LAVKUMAR SHAH, ADDL.ADVOCATE GENERAL assisted by
MR UTKARSH SHARMA, ASST.GOVERNMENT PLEADER for the
Opponent(s) No. 1 to 4
MR HS MUNSHAW(495) for the Opponent(s) No. 5
SIDDHANT R SHAH(8722) for the Opponent(s) No. 6
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 : 31/01/2025**ORAL ORDER**

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

1. Perused the affidavit dated 10.01.2025 filed by the Unit Head, Plastic Waste Cell, Gujarat Pollution Control Board (GPCB), wherein details of the inspection carried out by the GPCB of the facilities of eight (08) Municipal Corporations as well as Okha Nagarpalika has been brought on record. The findings with respect to Junagadh, Surat, Vadodara, Rajkot, Gandhinagar, Ahmedabad, Bhavnagar, Jamnagar Municipal Corporations and Bhanvad and Chaklasi Nagarpalikas are varied on the aspect of the establishment of plastic waste management facility by the said Corporations and Nagarpalikas.
2. As per the current operational status of Junagadh Municipal Corporation, at the time of inspection, the

facilities managed by 'M/s. Zero Waste Solution' under a work order issued by the Corporation for manual segregation of disposal of plastic waste from mixed dried waste, but no segregation activity was observed at the time of inspection. It is mentioned that the Junagadh Municipal Corporation has recently entered into a Memorandum of Understanding with Hind Polymers for reprocessing of recovered plastic waste and as per the submitted record 750 kgs of PET bottles were dispatched to Hind Polymers on 22.11.2024. It is also mentioned that Hind Polymers is a registered plastic waste processor on the GPCB (Extended Producer Responsibility) EPR portal. The Unit has a valid consent to operate (CCA) from the GPCB which is valid until 31.12.2025 and is authorised to produce 250 MT/Month of plastic lumps.

3. With regard to the Okha Nagarpalika, it is reported that the construction of Material Recovery Facility (MRF) was underway at the time of inspection and the Nagarpalika has been instructed to notify the GPCB upon operational commencement of MRF. The Nagarpalika has entered into a Memorandum of Understanding with a plastic waste processing facility, which is located in Rajkot district and holds a valid CCA until 31.12.2025.
4. The Surat Municipal Corporation has established 8(eight) MRFs, inspection of which was carried out by the Regional Office, GPCB, Surat. All eight MRFs were

operational for processing of municipal solid waste from door to door collection systems. The segregated plastic waste is stored temporarily at the premise of the MRF. Non-recyclable/biodegradable waste is compacted and sent to the Common Sanitary Landfill Site at Khajod in closed containers. Recyclable plastic waste is further being processed by the processing unit engaged under 20 year concession agreement on a Public-Private Partnership basis. The processing unit holds valid CCA allowing processing of 6000 MT/ month of plastic waste, valid until 28.04.2032. The Surat Municipal Corporation maintains detailed records at all MRFs through online system and monthly records were provided to the inspection team.

5. The MRF facility at Vadodara Municipal Corporation was inspected and it was found that the unit holds a valid CCA upto 30.09.2027 for activities including washing, shredding, and extrusion of plastic waste to produce Plastic HD/PP/PET washed flakes, grindings, and granules. The facility is equipped with advanced machinery. One of the machinery, namely extruder machine, however, appeared to be non-operational for the past 2-3 months based on its condition. Approximately 150-200 MT of plastic waste was observed stored within the premises during the inspection.
6. The Rajkot Municipal Corporation has two MRFs, wherein during inspection, segregation activities were

ongoing, plastic waste processing facility engaged by the Corporation holds a valid CCA until 31.12.2025. The facility, however, is engaged solely in segregation and baling. There is a concern with regard to the manner in which the operations of material facility known as KSD MRF plant was being managed by the processing unit engaged by the Corporation.

7. For Gandhinagar Municipal Corporation, three MRFs have been established covering different areas of Gandhinagar, out of which only two were found operational. However, they are not operating conforming to the requirement.
8. The Ahmedabad Municipal Corporation has two MRFs and it was observed that the MRF station receives wastes from multiple wards and dry waste and wet waste are being segregated and handled accordingly. It is reported that the processing unit engaged by the Corporation has valid CCA. The processing unit demonstrated high operational efficiency.
9. For Bhavnagar Municipal Corporation, there was a concern about the MRF facilities, one of which has not obtained a valid consent to establish or consent to operate from the GPCB and another was found non-operational during the inspection. No record or data regarding disposal of recyclable or non-recyclable plastic waste was provided by the unit during the visit which was previously operated by a private contractor.

10. For Jamnagar, MRF is being operated across 16 wards with a door to door collection system implemented for solid waste management. The processing unit engaged by the Corporation is having valid CCA.
11. With regard to all Nagarpalikas, it is pointed out that inspite of several reminders sent by the GPCB, only two Nagarpalikas, namely Chaklasi Nagarpalika and Bhanvad Nagarpalika have responded, and the MRF facility of Bhanvad Nagarpalika is under development at the dumping site where construction work of compound wall was going on at the time of inspection. Similarly, for Chaklasi Nagarpalika, no MRF has been developed as of now and the process on the preparation of the Detailed Project Report ((DPR) is likely to be completed by April, 2025.
12. Having noted the response of the GPCB in detail, after inspections carried out from time to time, it is evident that there is a lot to do in the matter of processing of plastic waste by the local bodies. The GPCB being the prescribed authority under Rule 12 of the Plastic Waste Management Rules, 2016 (in short as 'the Rules' 2016) is required to take all actions for enforcement of the provisions of the Rules. A concerted effort is required to be made by the GPCB to ensure that the requirement of setting up facility for management for plastic waste by the local bodies in their respective jurisdiction is carried out to its optimum level.
13. We may record that Rules 5,6, 7 and 7.8 cast

responsibility upon the local bodies in their respective jurisdiction for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies, as per the protocol prescribed in the rules.

14. As per sub-rule (2) of Rule 12, the concerned Additional Chief Secretary or Principal Secretary or Secretary in charge of the department of the State government responsible for municipal administration shall be the authority for enforcement of the provisions of these rules relating to waste management by waste generator, restriction or prohibition on use of plastic carry bags, plastic sheets or like, covers made of plastic sheets and plastic packaging and items prohibited under Rule 4 of these rules in the urban areas of the State. Similarly, concerned Secretary in charge of the department of the State government responsible for Panchayati Raj institutions is the authority for the aforesaid purposes. The responsibility fixed upon the GPCB, concerned Secretary in charge of the Department of the State government for municipal administration or the Panchayati Raj institutions is required to take assistance of the District Magistrates or the Deputy Commissioner or the executive Head of Municipal Body for urban areas or Chief Executive Officer of the District Level Panchayats for rural areas within the territorial limits of the jurisdiction of the concerned district in respect of the enforcement of the provisions of the rules.

15. It would, thus, be a joint coordinated effort of the GPCB, the concerned Secretary in charge of the department of the State government, in coordination with the officers in charge of the local authorities or the district administration, to ensure that the plastic waste management in the State is carried out as per the protocol of the Rules' 2016, so that there may not be any environmental concern in the matter of handling of plastic waste generated on day to day basis in the local areas throughout the State.
16. The GPCB shall also conduct a study to ascertain as to whether the material facility/unit set up by the Corporations, as placed before us, have sufficient capacity to handle plastic waste/both (recyclable and non- recyclable) on a daily basis and also their capacity to meet the future requirement of handling plastic waste in conformity with the Rules' 2016.
17. Let an affidavit of the GPCB be filed on the next date fixed to answer the above. Let the response of the State Monitoring Committee be also placed before us, to demonstrate the coordinated efforts of the aforesaid officers, upon whom responsibility has been fixed under the Rules' 2016.
18. Put up this matter on 07.03.2025.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SUDHIR