

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 AS PARTY IN PERSON(5000) for the Applicant(s) No. 1

MS. DEVANGI SOLANKI, LD. AMICUS CURIAE

MR.KAMAL TRIVEDI, LD. ADVOCATE GENERAL WITH MR.VINAY BAIRAGRA, ASST.GOVERNMENT PLEADER for the Opponent(s) No. 1,3,4

MR.MITESH AMIN, LD. SENIOR COUNSEL 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, LD. SENIOR COUNSEL 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 : 25/04/2025****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. In the affidavit filed by the Deputy Municipal Commissioner, Office of the Commissioner of Municipalities Administration, Urban Development and Urban Housing Department, Gujarat, it is stated that the State Monitoring Committee in its last meeting held on 15.01.2025 had given directions to various officers to ensure implementation of the Plastic Waste Management Rules, 2016 and 149 Nagarpalikas have been directed to frame their respective bye-

laws for monitoring the end to end plastic waste management including collection, transportation, processing, storage and disposal; as well as to execute agreements with the agencies for undertaking the task of plastic waste management, if not in subsistence.

2. As per the necessary details collected by the Office of the Commissioner of Municipalities Administration and the meeting held on 02.04.2025 with all the regional commissioners of municipalities, the progress made in this behalf was evaluated and further, directions had been issued to frame bye-laws, execute necessary agreements with the agencies, which are registered with the Gujarat Pollution Control Board (GPCB) so as to ensure compliance.

3. In another meeting held on 24.04.2025, the progress made in the matter was evaluated and as per the data collected, out of 149 Nagarpalikas, 147 do have the facility for plastic waste stoppage / processing and 89 Nagarpalikas have executed necessary agreements with third party for plastic waste management.

4. The GPCB, in its affidavit dated 25.04.2025, has given the details of the actions taken by the GPCB. As per the chart given in Paragraph No.2 of the affidavit, the GPCB has carried out inspections of facilities of all municipal corporations including the newly constituted nine municipal corporations and has verified that all 17 corporations except one (Rajkot Municipal Corporation) have adequate facilities to handle plastic waste when GPCB has prepared a detailed inspection report and has issued show-cause notices to the corporations, where non-compliance of Rules' 2016 was reported.

5. It is further stated that with respect to verifying the adequacy of the corporation and handle future requirement, the GPCB vide communication dated 06.03.2025 has informed all Municipal Corporations to carry out exercise for ascertaining the requirement of upgradation / strengthening all existing facilities to cater their future needs. The report of the corporations in this regard is awaited.

6. It is further stated that upon inspection, the Municipal Corporations having MRF with manual facility have been issued notices to upgrade the same with minimum machineries required and to convert their facilities to mechanical. The corporations have been asked to submit a time bound action plan for the same within the period of three weeks vide communication dated 06.03.2025.

7. In the affidavit, the GPCB has given the details of inspections of all Municipal Corporations in brief and has further stated that the Rajkot Municipal Corporation has sent a reply dated 24.03.2025 communicating the GPCB about its future planning for expanding the facility of three MRFs to 450 TPD.

8. It is lastly stated that with respect to verifying adequacy of the corporations to handle the future requirement, the GPCB has asked the corporations to carry out the exercise and the reports are awaited. With respect to 149 Nagarpalikas, it is stated that as per the details provided by the Commissioner of Municipalities Administration, the GPCB has issued show-cause notices to respective nagarpalikas for non-installation of MRF facility and / or non-signing of MOU with registered plastic waste processors for processing all plastic waste. Copies of show-cause notices dated 05.03.2025 sent to the respective Nagarpalikas are appended

thereto. It is further stated that the GPCB shall carry out detailed physical inspection of all the MRF facilities of the Nagarpalikas with the view to ensure compliance of the Rules' 2016 and necessary actions shall be taken to ensure compliance. The GPCB is committed to ensure compliance with the provisions of all the environmental laws and the rules made thereunder and all necessary steps are being undertaken in that direction.

9. Taking note of the response from the office of the Commissioner of Municipalities Administration and the Gujarat Pollution Control Board, we post the matter on **04.07.2025** to bring the progress report before us.

10. It is further clarified that the State Monitoring Committee and the GPCB shall continue the exercise to ensure the strict implementation of the Plastic Waste Management Rules' 2016 in the State and all necessary steps in that regard shall continue to be taken for compliance of the directions issued in this matter.

11. The competent officers from the office of the Commissioner of Municipalities Administration, Urban Development and Urban Housing Department, Gujarat as also the Gujarat Pollution Control Board shall file separately on the next date fixed to bring on record the action taken report on their part.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAHIL S. RANGER