

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12927 of 2025**

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SARFARAJ R. GORI

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MS LAKSHA BHAVNANI for MR AFTABHUSEN
ANSARI(5320) for the Petitioner(s) No. 1

MS HETAL PATEL, ASSISTANT GOVERNMENT PLEADER for
the Respondent(s) No. 1,3,4

MR HARIBHAI PATEL for MR DEEPAK P SANCHELA(2696)
for the Respondent(s) No. 5

NANAVATI & CO.(7105) for the Respondent(s) No. 2

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL
and
HONOURABLE MR.JUSTICE D.N.RAY**

Date : 21/04/2026

ORAL ORDER

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

1. In compliance of the order dated 03.02.2026, an affidavit dated 21.02.2026 has been filed by the Gujarat Pollution Control Board (GPCB), wherein it is stated that on a visit to the unit in a surprise inspection carried out by the team of GPCB at the premises of respondent No.6 namely, M/s. Amber Enterprise previously known as M/s Honest Plastic, it was found that about 10 Metric Ton of unsegregated used HDPE bags were stored within the premises. These bags were

previously utilized for packaging of minerals like calcite, dolomite, etc., raw materials used in ceramic industry. The bags are brought to the facility and manually cleaned by hand-shaking to remove any residue of the previously packed material sticking to the inner / outer layer of the bag. No mechanical machines were found to have been employed for the purpose of cleaning of the bags. No chemical cleaning agents were also found being used even with physical cleaning process. No washing with water takes place at the facility.

2. It is thus stated that there exists no machinery for undertaking any mechanical process for removal of residue or dirt from the surface of the bags. Post, manual cleaning of the bags, they are segregated in recyclable and non-reusable categories and stacked separately.

3. It is stated in the affidavit of GPCB that all the work of manual cleaning and segregation was observed to be carried out in the open space within the premises where there exists a small shed in the middle.

4. At the time of visit, dust deposition was noticed on the roof of the shed and other items lying in the open area within the premises. No peripheral wind barriers were found installed on any side of the premises. There was no water sprinkling system or misting system installed on the boundary wall of the premises to prevent fugitive dust dispersion during the handling of the bags.

5. During the inspection, air quality samples were taken from both within and outside the premises. The results revealed that Ambient air quality at a little distance away from the premises was satisfactory, whereas within the premises, the air quality was poor, significantly beyond the permissible range. The primary cause for this phenomenon was the complete lack of any dust suppression system within the premises. Samples of ground water were drawn from within the premises and from the periphery of the premises and the analysis reports do not suggest any industrial contamination of ground water.

6. The site was also inspected for presence of any hazardous chemical or toxic material but nothing was found except the bags of mineral powder, fertilizer etc.

7. On completion of the visit, on 10.02.2026 notice was served upon the respondent No.6 namely, M/s Amber Enterprises to immediately take necessary precaution measures like putting wind barriers around the periphery, conduct the act of dry cleaning the bags within an enclosed area, employ de-dusting solutions within the enclosed area, fit water sprinklers or water misting machines in the open area and insist upon use of mask by the labour working in the premises.

8. It is further stated that in compliance of the directions issued by the GPCB, the respondent No.6 M/s Amber Enterprise immediately procured from the market and fitted green net on the boundary wall.

9. The contention is that the unit has committed to install necessary system for suppression of dust within the premises and ensure that dust particles do not travel beyond the premises, as far as possible.

10. It is further submitted that in view of the observations made by the GPCB during its visit, information was given to the local administration to take appropriate steps. It is further stated that upon issuance of the show-cause notice, the segregation activity at the premises has been completely stopped and no activity of any kind is being performed within the premises, even today.

11. It is further contended in the affidavit of GPCB that HEPE bags *per se* are not prohibited items. The material packed in these bags, being minerals and fertilizers are not covered within the definition of hazardous waste as contained in the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016 and there is no basis for initiating action under these provisions.

12. The petitioners has approached this Court on the premise that the raw materials packaged in the plastic bags purchased by respondent No.6, M/s Amber Enterprises are hazardous or toxic, and hence handling of used bags releases hazardous or toxic residue in the atmosphere, which is not correct as per the stand of the GPCB.

13. Mr. Haribhai Patel, holding brief of Mr. Deepak

Sanchela, learned advocate appearing for respondent No. 5, the Chief Officer, Nagarpalika would submit that notices have been issued to respondent No.6 on the intimation given by GPCB and corrective measures are directed to be taken after physical inspection was carried out by the officer of the Nagarpalika. There is no reply of the Chief Officer, Nagarpalika on record.

14. As prayed by the learned advocate appearing for respondent No.5, four weeks time is granted to file affidavit of the Chief Officer, Nagarpalika to bring on record the action taken pursuant to show-cause notice issued to respondent No.6 and the corrective measures taken by the said respondent, if any.

As prayed, put up on 30.06.2026.

(SUNITA AGARWAL, CJ.)

(D.N.RAY, J.)

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