



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

District : Aurangabad

PUBLIC INTEREST LITIGATION NO.83 OF 2024

Shaikh Latif Ismail and Others

VERSUS

The Union of India Thr. Its Secretary and Others

Mr. Chandrakant V. Thombre, Advocate for petitioners
Ms. N. B. Kamble, AGP for respondent-State
Mr. S. S. Tope, Advocate for respondent nos.3 and 4
Mr. D. P. Palodkar, Advocate for respondent no.5
Mr. U. B. Bondar, Advocate for respondent no.7

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CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.

DATED : 08TH MAY, 2026

ORDER :- (Per Ajit B. Kadethankar J.)

1. Pursuant to the order passed by this Court on the last occasion, the Chhatrapati Sambhajinagar Municipal Corporation (hereinafter referred as 'CSNMCorp' for the sake of brevity) has filed its reply affidavit.

2. Mr. S. S. Tope, learned advocate representing the CSNMCorp. submits that the queries put by this Court on the last occasion have been answered by the CSNMCorp.

3. He would submit that a notice was issued to Ms. GNI Infrastructure pvt. Ltd. i.e. the contractor for collection of city garbage in respect of the irresponsible unloading of the garbage carrier on Dhule-Solapur highway near Gandheli village. The said contractor reportedly submitted that the concerned driver was removed from the job and the garbage was also removed. The contractor also explained that in future preventive measures shall be applied to avoid such unpleasant incidences.

4. Mr. Tope then submits that bio-mining processing units have been established by the CSNMCorp at three places i.e. Harsul, Padegaon and Kanchanwadi. The said units operate seasonally, but during their operational period, they function at full capacity. He further submits that dedicated staff has been employed to oversee the functioning of the said bio-mining units.

5. It is further submitted that people sensitization and awareness on segregation of the domestic garbage is undertaken as a continuous process. Mr. Tope further submits that recently new agency is engaged for garbage collection who is equipped with new bigger vehicles and attachments.

6. Vide e-tender dated 23.09.2024, the Respondent no.4 was allotted the contract for disposal of legacy waste by bio-remediation and bio-mining of the Chhatrapati Sambhajnagar city. That the CSNMCorp. shall continuously monitor the quality of the work by the contractor. By a notice dated 10.10.2024, the contractor was again warned to do the segregation process meticulously failing to which the contract itself shall be terminated.

7. The CSNMCorp. further submits that the funding of Rs. 100 Crores has been utilized in establishing the bio-mining units at Harsul, Padegaon and Kanchanwadi. .

8. We have keenly gone through the contents of the reply affidavit filed by the CSNMCorp. We are at pains to observe that the reply affidavit is a halfhearted one. Merely mentioning that the huge fund of Rs. 100 Crore is utilized in establishing three bio-mining projects does not serve the purpose of the query that was put by this Court to the CSNMCorp. The CSNMCorp. authorities must seriously scrupulously disclose the expenditure incurred under each component. It's a huge amount funded by the State Government. The CSNMCorp. is answerable to this Court on expenditure of the public exchequer. We disapprove the reply affidavit filed in this regard.

Responsible authority of the CSNMCorp. shall file an additional affidavit disclosing the utilization of the sum of Rs. 100 Crores funded by the State Government towards disposal of city garbage. Failure to satisfy this Court on this count shall constrain this Court to observe against the CSNMCorp.

9. So far as the other part of the reply affidavit is concerned, that too is not satisfactory. CSNMCorp. has not explained as to why the bio-mining units are operational only seasonally. If the garbage is reported to be collected on daily basis, its processing at the said units is also expected to go 24X7. It has been apprised to us by Mr. Tope that the bio-mining units produce bio fertilizers which are sold by the CSNMCorp. to the farmers at a competitive rate. If so, we didn't understand as to why such units are working seasonally.

10. Another aspect is that the CSNMCorp. derives revenue from the sale of bio-fertilizer produced at the processing units. Then the process of selling the said produce needs to be declared by the CSNMCorp. Its worth to appreciate that if the units function effectively, they generate revenue for the CSNMCorp. If so, this needs to be taken seriously and also from view point of profit earned by the CSNMCorp.

11. During the course of hearing, we felt delighted to learn about a bio-mining machine engineering unit namely Fintek Engineers established at Shendra MIDC near Chhatrapati Sambhajanagar. We have been apprised that the said unit produces a very modern mechanism system which even don't need segregation of any type of the waste.

12. We have seen a short video clip shown to us wherein we have seen how the machines work. We noticed that the machines, without segregation of the non recyclable waste including metal even, process the waste and produces Energy Pellets and fluff etc. It is informed to us that the Union Government even has mandated the thermal power stations in the country to use such produce at least 5% of the coal fuel. That, the produce has multiple uses. May it be. We are aware that we are not technical experts to look into details. However, we feel that the responsible authorities of the CSNMCorp. would once visit the said unit which reportedly has established a demo unit. Mr. Tope, learned advocate assures us that by the next date the Commissioner of the CSNMCorp. and other responsible authorities shall visit the unit and a serious thought shall be given on the issue.

13. As recorded above, we are not happy with the reply affidavit filed by the CSNMCorp. By next date, Mr. Tope also assures that a detailed and precise reply affidavit shall be filed to the satisfaction of this Court. The statement is taken as an undertaking from the CSNMCorp.

14. The other parties shall also file their responses, in the light of the earlier orders.

15. Stand over to 12th June 2026.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]