



CWPIL No. 269 of 2017 & CWP No. 153 of 2018

CWPIL No. 269 of 2017

13.05.2019 Present:

Ms. Jyotsna Rewal Dua, Senior Advocate, with Ms. Charu Bhatnagar, Advocate.

Mr. Ashok Sharma, Advocate General with M/s Ritta Goswami, Adarsh Sharma, Nand Lal Thakur, Ashwani Sharma, Additional Advocate Generals, Ms. Divya Sood, Deputy Advocate General and Mr. Manoj Bagga, Assistant Advocate General, for the respondents-State.

Mr. Rajesh Kumar, Assistant Solicitor General of India, for Union of India.

Mr. T.S. Chauhan, Advocate, for the H.P. Pollution Control Board.

Mr. N.K. Gupta, Advocate, for the Municipal Corporation, Shimla.

Mr. Vikrant Thakur, Advocate, for HPSEB.

Mr. Rahul Mahajan, Advocate, for respondent No. 7.

Mr. Ajay Chandel, Advocate, for respondent No. 9.

Ms. Kamlesh Kumari, Advocate vice Counsel for respondent No. 10.

Mr. K.B. Khajuria, Advocate, for respondent No. 19.

CWP No. 153 of 2018.

Petitioner in person.

Mr. Ashok Sharma, Advocate General with M/s Ritta Goswami, Adarsh Sharma, Nand Lal Thakur, Ashwani Sharma, Additional Advocate Generals, Ms. Divya Sood, Deputy Advocate General and Mr. Manoj Bagga, Assistant Advocate General, for the respondents-State.

Mr. T.S. Chauhan, Advocate, for the H.P. Pollution Control Board.

Mr. Adarsh K. Vashista, Advocate, for respondent No. 5.



On perusal of the affidavits filed on the previous date, one by Principal Secretary (Urban Development) and the other by Deputy Commissioner, Kullu, respectively, learned Amicus Curiae has pointed out that the State Government needs to take a holistic view as a matter of policy decision and thereafter file a comprehensive report. She points out that there is a reference to the model set up by Nawanshahr Municipality (Punjab) with a suggestion to adopt the same, though H.P. State Pollution Control Board has already viewed that such a model may not be feasible.

Learned Counsel for Municipal Council, Palampur, on the other hand, points out that the Municipality has decided to collect garbage on door to door basis and segregate the biodegradable and non-biodegradable waste. As against it, the Deputy Commissioner, Kullu, has filed the affidavit pointing out that they are in the process of installing a plant in which power shall be generated out of the waste. It is stated that cost of the equipment for such a project is very high. The fact of the matter is that the State Government has to view all aspects and take a decision whether (i) it will decide to set up the Waste Management Plants on the pattern of Municipal Council, Kullu, where power can be generated out of the waste; (ii) it will follow the conventional method like Municipal Council, Palampur or Joginder Nagar to collect the garbage on door to door basis and deal with it; and (iii) whether Nawanshahr Municipality



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Model is feasible and if so, in which parts of the Himachal Pradesh.

Let, therefore, the matter be revisited, appropriate decision may be taken and a fresh status report be filed. Post the matter for hearing on 30.07.2019.

(Surya Kant)
Chief Justice.

May 13, 2019
(hemlata)

(Sandeep Sharma)
Judge.



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