



Suleman & others Vs. Union of India & others a/w connected matters.

CWP No. 2369 of 2018 a/w CWPIL No.269 of 2017, CWP Nos.1074 of 2019, 3334 of 2021, CWPIL Nos. 32, 42 & 56 of 2021, CWP No.3511 of 2022, CWPIL No.4 of 2022, CWPIL No.60/2024, CWP No.819/2024 & CWP No.278 of 2025.

13.05.2025 Present: Mr. Deven Khanna, Advocate, for the petitioners in CWP No.2369 of 2018.

Mr. Bhuvnesh Sharma, Senior Advocate with Ms.Vishali Lakhanpal, Advocate, for the petitioner in CWP No.1074 of 2019.

Mr. Suneet Goel, Sr. Advocate as Amicus Curiae with Mr. Vishwas Kaushal, for the petitioner in CWPIL No.263 of 2017.

Mr. K.B. Khajuria, Advocate, for the petitioner in CWP No.3511 of 2022 and for respondent No.6/ Central Pollution Control Board in CWP No.2369 of 2018.

Mr. Saurav Rattan, Advocate, for the petitioner in CWP No.3334 of 2021.

Court on its own motion in CWPIL Nos. 32,42 & 56 of 2021.

Mr. Anup Rattan, Advocate General with Mr.Ramakant Sharma, Mr. Navlesh Verma, Ms.Sharimila Patial, Mr. Sushant Kaprate, Additional Advocates General and Mr. Raj Negi, Deputy Advocate General, for the respondents-State.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate, for respondent- UOI and respondent No.4-Central Pollution Control Board in CWP No.3511 of 2022.

Ms. Sulochana Rana, Advocate, for respondent No.3 in CWP No. 819 of 2024.

Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate for the petitioner in CWP No. 278 of 2025 and for respondent No.8 in CWP No.2369/2018 and CWP No.1074/2019.

Mr. Virbahadur Verma, Advocate, for respondent No.2 in CWPIL No. 32 of 2021 and for respondent No.1 in CWPIL No. 42 of 2021 and for respondent No.3 in CWP No. 3511 of 2022.

Mr. Tara Singh Chauhan, Senior Advocate with Mr.Surya Chauhan, Advocate for the respondent/HP Pollution Control Board in CWP No.2369/2018 and CWP No.1074/2019.



-2-

Mr. Rohan Thakur, Advocate vice Mr. Maan Singh, Advocate, for respondent No.1 in CWP No. 10480 of 2024.

Ms. Oshin Anand Chauhan, Advocate for respondent No.2 in CWP No. 10480 of 2024.

Mr. Abhishek, Advocate vice Ms. Garima Kuthiala, Advocate, for respondent No.10 in CWPIIL No.269/2017.

Mr. Paras Dhaulta, Advocate, for respondent No.5 in CWPIIL No.4/2022.

Mr. Lovneesh Kanwar, Senior Advocate with Mr. Tek Chand, Advocate for respondent-M.C.Sarkaghat in CWP No.2369 of 2018.

Mr. Adarsh K. Vashista, Advocate for M.Cs Chamba, Baddi, Nalagarh, Nagrota Bagwan, Jwalamukhi, Nurpur, Shahpur and Jawali.

Mr. Rajesh Kashyap, Advocate, for MC Sunderngar.

Mr. Mukul Sood, Advocate, for MCs Shimla and Dharamshala.

Mr. Ajay Chauhan, Advocate, for MC Palampur in CWP No.2369 of 2018.

Mr. Lalit K. Sharma, Advocate, for respondent No.4 in CWPIIL No.32/2021.

Mr. H.S. Rangra, Advocate, for MC Mandi in CWP No.2369/2018.

Mr. Varun Singh, Advocate, for M/s Shakti Plastic Pvt. Ltd.

Mr. Umesh Kanwar, Advocate, for M/s EPR Plastic Pvt. Ltd.

Mr. Udit Shaurya Kaushik, Advocate, for the proposed applicants in CMP NO. 15743 of 2024.

Ms. Sheetal Kaul, Advocate, for the respondent No.5 in CWPIIL No. 60 of 2024.

Affidavit on behalf of the Chief Secretary to the Government of Himachal Pradesh is stated to have been filed in the Registry today (i.e. 13.05.2025). Let the same be placed on record.



2. Having heard the matter for a considerable time, we deem it appropriate to issue the following directions:-

- (i) The respondent-State is directed to frame necessary bye-laws under Sections 13 (k) & 100 of the HP Panchayati Raj Act, 1994. The State is free to take assistance of the Model bye-laws submitted by Mr. Deven Khanna, learned counsel for the petitioner in CWP No.2369 of 2018 and those made by the *Swachh Bharat Gramin* and also the bye-laws prepared by the Rural Development Department (RDD). These bye-laws shall amongst other provide for the system of collection, user charges and also provide for how the expenses that will be covered to ensure the sustainability of the Solid Waste Management Service.
- (ii) The respondent-State while forwarding the cases for setting-up Material Recovery Facilities(MRFs) or Plastic Waste Management Units (PWMUs) or Solid Waste Management Facilities (SWMF), for which forest clearance is required under the Forest Right Act, 2006, shall henceforth submit the cases on the lines as was done by the MRFs at Keylong (Gram Panchayat Tanti-Jagmurti).
- (iii) In the meanwhile, the respondent-State shall identify waste “hot-spots” where waste management facilities can be setup. For this purpose, appropriate instructions be issued to the Panchayats, who in turn, shall identify such hot-spots for further consideration of converting these areas into locations for MRFs or segregation sheds, especially where the other land options



-4-

are unavailable and where land is not at all available at the convenient site. The Panchayats can move a proposal for allotting these hot-spots for MRFs or segregation sheds after the hot-spots have been cleared of legacy waste.

- (iv) The Rural Development Department (RDD), Department of Environment, Science and Technology (DEST), Urban Development Department (UDD) & Department of Panchayati Raj are directed to ensure that all the Panchayats, Nagar Panchayats, Urban Local Bodies (ULBs) be provided challan-books so as to enable them to issue *challans* (penalty tickets) under the Himachal Pradesh Non-Bio-degradable Garbage (Control) Act, 1995. The respondents are further directed to ensure that adequate training is given to these officers/officials, more particularly, their Panchayat Secretaries, Executive Officers, Municipal Officers, etc. on the mode and manner in which these *challans* have to be executed. Such training shall be provided online by the HP State Pollution Control Board before the next date of hearing and compliance affidavit to this effect shall be duly filed.
- (v) All Hotels, Restaurants, Home-stays, Bed and Breakfast (B&Bs), *Dhabas* etc. are directed to display notices/posts at the reception areas indicating fine up-to Rs.5,000/- for improper waste disposal and littering and in addition, shall also ensure that wet and dry dustbins are provided at the receptions/counters or at the other convenient places. The Shop/Sanitary Officers/



-5-

officer in-charge, as the case may be, shall ensure due compliance of this order.

- (vi). The Jal Shakti Department is directed to respond to the communication sent by the Secretary (RD) to the Government of Himachal Pradesh on 07.05.2025.
- (vii). The respondent-State is further directed to consider the proposal of the demand of respondent No.8 i.e. JBR Environment Technology Baddi Private Ltd., for grant of additional land in view of the increased demand.
- (viii). We are informed at the bar that the Municipal Corporation, Shimla has submitted a plan for levy of green tax within the municipal area of Shimla and such plan is pending with the State Government. We direct the State Government to take a decision on the proposal so submitted and report compliance on the next date of hearing.

List on **21.06.2025**.

(Tarlok Singh Chauhan)
Judge

(Sushil Kukreja)
Judge

May 13, 2025
(VH)