



Suleman and others vs. Union of India and
others a/w connected matters

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

18.07.2025 Present: Mr. Deven Khanna, Advocate for the
petitioners in CWP No. 2369 of 2018.

Ms. Vishali Lakhanpal, Advocate vice Mr.Parav
Sharma, Advocate for the petitioner in CWP
No. 1074 of 2019.

Mr. Suneet Goel, Senior Advocate with
Mr.Vivek Negi, Advocate as Amicus Curiae for
the petitioner in CWPIIL 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.Neeraj Gupta, Senior Advocate as Amicus
Curiae with Mr.Pranjal Munjal, Advocate in
CWPIIL No.32 of 2021.

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

Court on its own motion in CWPIIL No.32, 32 &
56 of 2021.

Mr. Anup Rattan, Advocate General with
Ms.Sharmila Patial, Addl. A.G and Mr.Sushant
Keprate, Addl. A.G for the respondents-State.

Mr. Balram Sharma, Dy.SGI for respondent-
UOI and respondent No.4-Central Pollution
Control Board in CWP No.3511 of 2022.

Mr.C.S. Thakur, Advocate for respondent No.6.

Mr.Ajay Kumar Chauhan, Advocate for M.C.
Palampur.

Mr. Pranjal Munjal, Advocate vice Mr.Janesh
Gupta, Advocate for respondent No.8 in CWP
No. 2369 of 2018 and CWP No.1074 of 2019.

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



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

Mr.Maansingh, Advocate for respondent No.1 in CWP No.10480 of 2024.

Ms. Tamanna Sharma and Ms.Sana Rana, Advocates vice Ms.Garima Kuthiala, Advocate for respondent No.10 in CWPI No.269 of 2017.

Mr. V.B.Vema, Advocate for respondent No.2 in CWPI No.32 of 2021 for respondent No.1 in CWPI No.42 of 2021 and for respondent No.3 in CWP No. 3511 of 2022.

Mr. Sunil Mohan Goel, Senior Advocate with Mr. Raman Jamalta, Advocate for respondent No.5 in CWPI No.4 of 2022.

Mr. Naveen K. Bhardwaj, Advocate for MCs Kullu, Banjar and Nagar Panchayat, Bhuntar, District Kullu, H.P. in CWP No.2369/2018.

Mr. Tek Chand, Advocate for respondent-MC, Sarkaghat in CWP No.2369 of 2018.

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

Mr. Rajesh Kashyap, Advocate for MC-sundernagar.

Mr. Vivek Sharma, Advocate for MCs Shimla and Dharamshala.

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

Mr. Lalit K. Sharma, Advocate for respondent No.4 in CWPI No.32 of 2021.

Mr. H.S. Rangra, Advocate for MC Mandi in CWP No.2369 of 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 applicants in CMP No.21169/2024, CMP Nos.7161/2025, 7162/2025.

Mr.Naresh Kaul, Advocate for respondent No.5 in CWPIL No.60 of 2024.

On 13.05.2025, the Court passed the following

order:-

“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 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/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.”*



Today, learned Advocate General has placed on record communication dated 17.07.2025. Along-with the same, copy of letter dated 31.05.2025 has been annexed which goes to indicate that the Director, Urban Development, Himachal Pradesh, in principle, has granted approval for the construction of Solid Waste Management Plant at Rajgarh in Khasra No.715/536/1 measuring 9-18 bighas at Thod Kalan in Nagar Panchayat Rajgarh, District Sirmour, H.P.

Mr. Neeraj Gupta, learned Senior Advocate and *Amicus Curiae* in CWPIL No.32 of 2021 states that this letter probably appears to be manipulated, in view of communication dated 25.04.2025. This indeed is a serious allegation. Therefore, let the records of this Notification along-with diary dispatch be produced before this Court on the next date of hearing.

List for this limited purpose on 28th July, 2025.

All the connected writ petitions with the CWP No.2369 of 2018 petition are ordered to be detagged and shall be listed independently on the date already fixed.

(Tarlok Singh Chauhan)
Judge

July 18, 2025
(naveen)

(Sushil Kukreja)
Judge