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W.P(C)No. 888 OF 1996
ITEM No.62

Court No. 3

SECTION PIL,XIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.888/1996

ALMITRA H. PATEL & ANR

Petitioner (s)

VERSUS

U O I & ORS

Respondent (s)

(With Appln(s). for interim relief and intervention and directions)
(With Office Report)

With SLP(C)No.22111/2003
(With prayer for interim relief and office report)

Date : 26/07/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Sanjiv Sen, Adv.
Ms. Nandini Gore, Adv.
Mr. Vivek Sharma, Adv.

Mrs. Manik Karanjawala,Adv.

Mr. Tara Chandra Sharma,Adv.

Mr. S.U.K. Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Pooja Naneker, Adv.
for M/s. Lawyer's Knit & Co., Adv.

Applicant in IA 13:Mr. Bharat Sangal, Adv.
Ms. Aparna Bhat, Adv.
Mr. P. Ramesh Kumar, Adv.

For Respondent (s)
-CPCB:Mr. Vijay Panjwani, Adv.

-St.of MP & MPPCB:Mr. S.K. Agnihotri, Adv.
Mrs. Yogmaya Agnihotri, Adv.
Mr. Rohit K. Singh, Adv.
Mr. Anil K. Pandey, Adv.
Mr. Amit Mishra, Adv.

-St.of Manipur:Mr. KH. Nobin Singh, Adv.

-UOI:Mr. P.P. Malhotra, A.S.G.
Mr. Shailendra Sharma, Adv.
Mr. V.K. Verma, Adv.

Mr. A.D.N. Rao, Adv.

-UP:Mr. R.P. Mehrotra, Adv.
Mrs. Deepti R. Mehrotra, Adv.

Mr. Garvesh Kabra, Adv.

-WBPCB:Mr. R.Mohan, Sr.Adv.

Mr. V.G.Pragasam, Adv.

-Delhi State:Mr. Ashok Bhan, Adv.

Mrs. Anil Katiyar, Adv.

Mr.Sandeep S. Tiwari, Adv.

Mr. S.K. Gambhir, Sr.Adv.

Mr. M.P.Jha, Adv.

Mr. R.E. Roy, Adv.

Mr. Harshvardhan Jha, Adv.

Mr. Anil K. Chopra, Adv.

-St.of A.P.:Mr. Manoj Saxena, Adv.

Mr. Mohan Prasad Meharia, Adv.

Mr. S.K. Mittra, Adv.

-Punjab:Mr. R.K. Rathore, Addl.Adv.Genl., Punjab

-St.of Uttaranchal:Mr. Avatar Singh Rawat, Addl.Adv.Genl.

Mrs. D. Bharathi Reddy, Adv.

-St.of Orissa:Mrs. Kirti Mishra, Adv.

-Mizoram & Guj.:Mrs. Sadhana Sandhu, Adv.

Mrs. H. Wahni, Adv.

-Nagaland:Mr. U. Hazarika, Adv.

Mr. Riku Sharma, Adv.

Ms. Sumita Hazarika, Adv.

-Haryana:Mr. Satinder S. Gulati, Adv.

Mr. Vinay Kumar Garg, Adv.

Mr. H.K. Puri, Adv.

Mr. Ujjwal Banerjee, Adv.

Mr. S.K. Puri, Adv.

Mr. Shiv Gupta, Adv.

Mr. Ravivarma Kumar, Sr.Adv.

Mr. B.K. Chaudhary, Adv.

Mr. B.K. Soodi, Adv.

Mr. E.C. Vidya Sagar, Adv.

Mr. K. Lingaraja, Adv.

Mr. E.C. Vidyasagar, Adv.

-T.N.PCB:Mr. M.A. Chinnasamy, Adv.

Mrs. Revathy Raghavan, Adv.

-Tripura:Mr. Gopal Singh, Adv.

-Arunachal Pd.:Mr. Anil Shrivastav, Adv.

-Maharashtra:Mr. V.B. Joshi, Adv.

Mr. S.S. Shinde, Adv.

-Min.of Urban Dev.

NCT Delhi:Mr. D.N. Goburdhan, Adv.

Ms. Pinky Anand, Adv.

Ms. Geeta Luthra, Adv.

Mr. Shiv Sagar Tiwari, Adv.

Mr. Manendra Pratap Singh, Adv.

Mr.Umesh Babu Chaurasia, Adv.

Mr. R.C.Verma, Adv.
Mr. Mukesh Verma, Adv.
Mr. Manish Shanker, Adv.

-St.of Bihar:Mr. Kumar Rajesh Singh, Adv.
Mr. B.B. Singh, Adv.

-Kol.Mun.Corp.:Mr. Tapash Ray, Sr.Adv.
Mr. L.C. Agrawala, Adv.
Mr. Bijan Ghosh, Adv.

-St.of T.N.:Mr. R. Ayyam Perumal, Adv.
Mr. S. Vallinayagam, Adv.

-St.of Assam:Ms. Krishna Sarma, Adv.
Mr. Sanjay V.S. Choudhury, Adv.
Mr. V.K. Sidharthan, Adv.
Mr. Niraj Kumar, Adv.
for Corporate Law Group, Adv.

-St.of Uttaranchal:Ms. Suparna Srivastava, Adv.
Mr. Rahul Srivastava, Adv.
Mr. Rajesh Srivastava, Adv.

-Res.3-AMC:Mr. H.S. Parihar, Adv.
Mr. Kuldeep Parihar, Adv.

-St.of Goa:Ms. A. Subhashini, Adv.

-Pondicherry:Mr. V.G. Pragasam, Adv.

Mr. D.N. Mishra, Adv.

M/s J.B. Dadachanji & Co.,Adv.

Mr. M.N. Shroff,Adv.
Mr. R.K. Maheshwari,Adv.
Mr. K.R. Nagaraja,Adv.
Mr. K.B. Rohtagi,Adv.
Mr. Rakesh Uttamchadra Upadhyay,Adv.
Mr. K.S. Bhati,Adv.
Mr. K.K. Rai,Adv.
Mr. S.C. Patel,Adv.
Mr. Jana Kalyan Das,Adv.
Mr. Pradeep Misra,Adv.
Mr. H.K. Puri,Adv.
Mr. Anil Shrivastav,Adv.
Mr. Gopal Singh,Adv.
Mr. Ashok Mathur,Adv.
Mr. T.V. Ratnam,Adv.
Mr. K.R. Sasiprabhu,Adv.
Mrs Urmila Sirur,Adv.
M/s I.M. Nanavati Associates,Adv.
Mrs. Kirti Renu Mishra,Adv.
Mr. Ashok K. Srivastava,Adv.
Mr. Shreekant N. Terdal,Adv.
Ms. Indu Malhotra,Adv.
M/s Saharya & Co.,Adv.
Mr. J.S. Attri,Adv.
Mr. Ajay K. Agrawal.,Adv.
Mr. Subramonium Prasad.,Adv.
Mr. Mahinder Singh Dahiya,Adv.
Mr. Anil K. Chopra,Adv.
Mr. Aruneshwar Gupta,Adv.
Mr. Ramesh Babu M.R.,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Ministry of Urban Development & Poverty Alleviation, Department of Urban Development, by order dated 19th May, 2004 constituted a Technical Sub-Group of Inter-Ministerial Task Force on Integrated Plant Nutrient Management using City Compost for preparation of appropriate plant design and specifications for compost plants. Mr.A.D.N. Rao, learned counsel, submits that the Technical Sub-Group has not yet submitted its recommendation to the Task Force and it is expected to be submitted within a fortnight and, therefore, the Task Force would submit its report to Union of India.

We find that the Central Government has also not responded to the matters dealt with in the order dated 3rd February, 2004. Still further, some of the States have sought eighty per cent Central assistance for implementation of the project. Reference in this regard can be made to the affidavit dated 18th June, 2004 filed by the State of West Bengal in this Court on 17th July, 2004. A copy of that affidavit shall be supplied to Mr.A.D.N.Rao. On all these aspects, the Central Government shall file a composite affidavit, within eight weeks. It shall also file its response to the recommendations contained in the Annual Report (2002-2003) on Implementation of Municipal Solid Wastes (Management & Handling) Rules, 2000 (MSW Rules) filed by CPCB, annexed to the affidavit of CPCB dated 3rd March, 2004.

In the Annual Report above-referred, the status of issuance of authorisation by various State Boards as on February, 2004 has been enumerated in Annexure-II. The details of various States are enumerated in the Annual Report 2002-2003. Mr.Sanjiv Sen, learned counsel appearing for the petitioner, points out that the Report shows a large scale non-compliance of provisions of MSW Rules. It is stated that out of 3,954 local bodies in various States, the Annexure-II shows that only 813 applications were received and only 403 authorisations were granted. The State Governments/U.Ts. shall respond to the position emerging from the Annual Report and also pointed out as above on behalf of the petitioner.

Respective counsel of such of the State Governments/U.Ts. which have not received the Annual Report can obtain the same from Mr.Vijay Panjwani, learned counsel appearing for CPCB. The response of all the State Governments/U.Ts. shall be filed within eight weeks. This aspect will also be taken up for consideration on the next date of hearing. The State Governments/U.Ts. shall also respond to the following suggestions made on behalf of the petitioner:

"1. Hence the Chief Secretaries of States need to direct their State Pollution Control Boards (SPCBs) to send their R.O.s (Regional Officers) and E.O.s (Environment Officers) to pro-actively sit down with officials of an average 5-6 local bodies each to jointly fill in and submit the local bodies' Annual Returns in Form II before the next hearing, and report compliance.

2. All Chief Secretaries also need to direct their SPCBs to file affidavits on the reasons why a total of 410 applications already applied for countrywide have not yet been approved within the stipulated 45-day time-frame in S 6(3), so that impediments to progress can be removed, if any.

3. All Chief Secretaries need to ensure that the R.O.s and E.O.s of their State Pollution Control Boards pro-actively scout for suitable waste-management locations along with officials from the local bodies plus representatives of the State's Urban Development and Revenue Departments, and submit quarterly progress reports with a copy to the Hon.Supreme Court until all their local bodies are covered."

Seen the office report. Payment of Rs.20,000/- (Rupees Twenty Thousand only) be made to the petitioner in terms of the order already made.

List the matter after two months.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master