

À<

W.P(C)No. 888 OF 1996
ITEM No.63

Court No. 6

SECTION PIL
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 O/R

Date : 03/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)Mr. Sanjeev Sen, Adv.
Mr. R.N. Karanjawala, Adv.
Mr. Vivek Sharma, Adv.

Mrs. Manik Karanjawala,Adv.

Mr. KK. Venugopal, Sr.Adv.
M/s SUK. Sagar, Ramesh Babu,
Bina Madhavan, Pooja Nanekar, Advs. for
M/s Lawyer's Knit & Co.,Advs.

Mr. Tara Chandra Sharma,Adv.

Mr. Colin Gonsalves, Adv.
Ms. Aparna Bhat, Adv.
Mr. P. Ramesh Kumar, Adv.
Mr. Bharat Sangal, Adv.

For Respondent (s)
ST. of Uttaranchal:Mr. Avatar Singh Rawat, A.A.G.
Mrs. D. Bharati Reddy, Adv.

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

-Maharashtra:Mr. VB. Joshi, Adv.
Mr. S.S. Shinde, Adv.
Mr. Mukesh K. Giri, Adv.

-Rajasthan:Mr. Ranji Thomas, Adv.
Mrs. Bharati Upadhyaya, Adv.
Mr. V.N. Raghupathy, Adv.

Mr. H.K. Puri, Adv.
Mr. U. Banerjee, Mr.S.K.Puri,
Mr. Shiv Gupta, Advs.

-Orissa:Mrs. Kirti Mishra, Adv.

-Tripura:Mr. Anurag Sharma, Adv.
Mr. Navin Prakash, Adv.
Mr. Gopal Singh, Adv.

-Gujarat & Mizoram:Mrs. H. Wahi, Adv.
Ms. Archana Palkar, Adv.

-Nagaland:Mr. Upamanyu Hazarika, Adv.
Ms. Madhvi Sharma, Adv.
Ms. Sumita Hazarika, Adv.

-Meghalaya:Mr. Ranjan Mukherjee, Adv.

-UT, Chandigarh:Mr. K.B. Rohatgi, Adv.
Ms. Aparna Rohatgi Jain, Adv.
Mr. Mahesh Kasana, Adv.

-Andhra Pradesh:Ms. K. Amareshwari, Sr.Adv.
Mr. T.V. Ratnam, Adv.
Mr. K. Subba Rao, Adv.
Mrs. OSG. Prasuna, Adv.

-Sikkim:Mr. A. Mariarputham, Adv.
Mrs. Aruna Mathur, Adv.
for M/s. Arputham & Co., Adv.

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

-Assam:Ms. Krishna Sarma, Adv.
Ms. Asha G. Nair, Adv.
Mr. V.K. Sidharthan, Adv.
for M/s. Corporate Law Group, Adv.

-Haryana:Mr. Satinder S. Gulati, Adv.
Mrs. Kamaldeep Kaur, Adv.
Ms. Kavita Wadia, Adv.

-Ahmedabad Municipal Mr. HS. Parihar, Adv.
Corporation:Mr. Kuldeep S. Parihar, Adv.

-BMC:Mr. Pallav Shishodia, Adv.
Mr. D.N. Mishra, Adv.
Mr. Hemant Sharma, Adv.
for M/s. J.B.D. & Co., Adv.

-K.M.C.:Mr. Tapash Ray, Sr.Adv.
Mr. Bijan Ghosh, Adv.
Mr. BP. Nirbhay, Adv.

-UTs:Mr. R.K. Rathore, Adv.
Mr. D.S. Mahra, Adv.

-Punjab:Mr. R.K. Rathore, AAG.
for Mr. R.S. Suri, Adv.

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

-Pondicherry & WBPCB:Mr. R. Mohan, Sr.Adv.
Mr. V.G. Pragasam, Adv.

-Delhi State/Admn:Mr. Ashok Bhan, Adv.
Ms. Shashi Kiran, Adv.
Ms. Anil Katiyar, Adv.

-Indore Mun.Corpn.:Mr. S.K. Gambhir, Sr.Adv.
Mr. M.P.Jha, Adv.

Mr. Ram Ekbal Roy, Adv.
Mr. Harshvardhan Jha, Adv.
Mr. Anil K. Chopra, Adv.

-BCC:Mr. Kirit S. Javali, Adv.
Mr. B.K. Choudhary, Adv.
Mr. EC. Vidya Sagar, Adv.

-Goa:Ms. A.Subhashini, Adv.

-Shahdol Mun.Com.Mr. R.C. Verma, Adv.
Mr. Mukesh Verma, Adv.
Mr. Manish Shanker, Adv.

-MPPCB & St.of MP:Mr. Satish Agnihotri, Adv.
Mr. Rohit K. Singh, Adv.

-Tamil Nadu:Mr. S. Prasad, Adv.

-Urban Development:Ms. Geeta Luthra, Adv.
Mr. DN. Goburdhan, adv.
Ms. Pinky Anand, Adv.

-APPCB:Mrs, Urmila Sirur, Adv.
Mr. Nikhil Nayyar, Adv.

Mr. Arvind K. Gupta, Adv.
Mr. Gyanendra Agrawal, Adv.

-MCD:Mr. RK. Maheshwari, adv.
Mr. Raj Kumar Kaushik, Adv.

-UOI:Mr. Raju Ramachandran, ASG.
Mr. ADN. Rao, Adv.

- CPCB:Mr. Vijay Panjwani, Adv.

For Other Parties:

Mr. M.N. Shroff,Adv.
Mr. K.R. Nagaraja,Adv.
Mr. Prem Nath Malhotra,Adv.
Mr. Rakesh Uttamchadra Upadhyay,Adv.
Mr. K.S. Bhati,Adv.
Mr. K.K. Rai,Adv.
Mr. S.C. Patel,Adv.
Mr. Shiv Sagar Tiwari,Adv.
Mr. Jana Kalyan Das,Adv.
Mr. Pradeep Misra,Adv.

Mr. Anil Shrivastav,Adv.
Mr. Ashok Mathur,Adv.
Mr. M.A.Chinnasamy,Adv.
Mr. K. Ram Kumar,Adv.
Mr. G. Prakash,Adv.
M/s I.M. Nanavati Associates,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. P.N. Ramalingam,Adv.
Mr. Bharat Sangal,Adv.
Mr. Mahinder Singh Dahiya,Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A.No.14

Rule 8 of the Municipal Solid Wastes (Management and Handling) Rules, 2000 mandates the State Pollution Control Boards and Pollution Control Committees to prepare and submit to the Central Pollution Control Board an annual report with regard to the implementation of Rules by 15th of September every year in Form IV. According to the applicant a large number of State Pollution Control Boards have not complied with Rule 8. The relief sought is that Central Pollution Control Board and State Pollution Control Boards shall prepare and submit to Central Government a Consolidated Annual Review Report on the management of Municipal Solid Wastes. We direct CPCB to file an affidavit in response to the application, in particular, in respect of the relief sought for in Prayer (B). State Pollution Control Boards and Pollution Control Committees which have not submitted the report in terms of Rule 8 shall forthwith submit it to CPCB. The affidavits shall be filed within six weeks.

It has further been pointed out that even Rule 4 has also not been complied with as per the implementation schedule provided for in Schedule 1. In terms of Rule 4 of the aforesaid Rules, various time schedules have been stipulated in the said Schedule. On the said issue as well, the CPCB will file its affidavit. The SPCBs shall furnish the requisite information to the CPCB so as to enable CPCB to timely comply with this Order.

One of the prayer in the application is that the Central Government shall stay the sanction of any further subsidy in respect of all proposed and future Municipal Wastes to Energy Projects (MWTEP). Before we consider this prayer, it would be appropriate to have a response from the Central Government which shall be filed within six weeks. The Central Government, in its affidavit, shall also explain as to why, as suggested, an independent Non-Governmental Review Committee be not constituted to inspect the functioning of the existing Plants, particularly, at Lucknow and Hyderabad.

List the matters in the 1st week of April, 2004.

(S. Thapar)

PS to Registrar

(V.P. Tyagi)

Court Master