

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

Writ Petition (C)No.888/1996

ALMITRA H. PATEL & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for interim relief and intervention and directions and accepting Annexure(s) and permission of allotment of land at Bhati Mines and vacating stay and office report)

WITH
Petition(s) for Special Leave to Appeal (Civil) No(s).22111/2003
(With prayer for interim relief and office report)

Date: 15/05/2007 These Petitions were called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.V. RAVEENDRAN

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Mr.Sanjit Sen, Adv. (A.C.)

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Mrs. Manik Karanjawala, Adv.

in SLP
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For M/s. Lawyer's Knit & Co., Advs.

For Respondent(s)
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Mr. V.K. Verma, Adv.
For Mr.D.S.Mahra, Adv.

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

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Mr. K.R. Sasiprabhu, Adv.

Mrs. Urmila Sirur, Adv.

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Mr.Ajay Pal, Adv.

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

I.A.No.18 in W.P.(C)No.888/1996:

Heard learned Solicitor General for Union of India and
respective counsel for the parties.

The matter relates to solid waste management by various
Municipal Corporations. After hearing parties, this Court on 6th May, 2005,
observed that till the position becomes clear as regards the viability of the
projects for generation of energy from municipal waste (by the bio-methanation
technology), the Government would not sanction any further subsidies to such

projects. This Court also directed that the Central Government to constitute a Committee of Experts and include therein Non-Governmental Organisations as well, to inspect the functioning of the project at Lucknow and its record and file a report before this Court. Pursuant to the said order, a detailed report has been submitted by the Expert Committee on 2.1.2006. Chapter IX of the Report contains its recommendations and conclusions. The Committee is of the opinion that the choice of technology for treatment of MSW should be made on the basis of quantity and quality of waste and local

conditions. The Committee has opined that operational problems of one plant (Lucknow) should not form the basis to judge the efficacy of the particular technology and therefore, petitioner's objection to providing support (subsidy) to waste to energy projects may not be justified. We extract below some of the

relevant conclusions of the Committee :

...For all the projects in future, the issues such as Project Development including characterization of wastes, sizing of projects, technology selection and project design, management model and operational issues including close co-ordination between Municipal Corporation and the promoters, financial appraisal and approval of project should be adequately addressed.

In view of the problems of treatment and disposal of municipal wastes (solid and liquid) in our cities and towns, which are only likely to increase with the growth of population and urbanization, an integrated approach to waste processing and treatment will be necessary, as brought out in the MSW Rules, 2000. Therefore, instead of focusing on individual technologies, it would be desirable to take an integrated approach to the management and treatment of MSW, which would necessitate deployment of more than on technology in tandem.

The selection of technology for the solid waste management depends upon the quality of waste to be treated and the local conditions. Therefore, for the segregated waste, which is dedicated in nature, the selection of technology is relatively easier and its performance and success is beyond doubt. Therefore, it is desirable to have solid waste segregated at source, which is also required as per the MSW Rules, 2000.

The Committee has recommended that projects based on bio-methanation of MSW should be taken up only on segregated/uniform waste unless it is demonstrated that in Indian conditions, the waste segregation plant/process can separate waste suitable for bio-methanation. It has opined that there is a need to take up pilot projects that promote integrated systems for segregation/collection/transportation and processing and treatment of waste.

In view of the report of the Committee and having regard to the relevant facts, we modify the order passed by this Court earlier and permit Ministry of Non-conventional Energy Sources (MNES) to go ahead for the time being with 5 pilot projects chosen by them, keeping in view the recommendations made by the Expert Committee and then take appropriate decision in the matter. List the application for further orders after six months.

I.A.No.12:

Permission to file rejoinder is granted.

I.A.NO.17:

Petitioner to file its response to the application, if any, within four weeks.

(G.V.Ramana)(Veera Verma)
Court MasterCourt Master