

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IN RE: GURGAON LANDFILL BURNING ISSUE (HARYANA) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES

Date : 02-05-2025 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UJJAL BHUYANMs. Aparajita Singh, Sr. Adv. (A.C.)
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UPON hearing the counsel the Court made the following
O R D E R

IN RE: GURGAON LANDFILL BURNING ISSUE

1. The learned Amicus Curiae had requested the Court to take up the matter today. There is a Bandhwari Landfill within the limits of the Municipal Corporation of Gurugram. It is pointed out that the Landfill has 13 lakh metric tons of solid waste, out of which 09 lakh metric tons is legacy waste. In April 2025, there were at least two fires and it took four days for the fire brigade to douse the last fire. We have seen the video. We are shocked to see the video. One can imagine what is the extent of pollution created by such fires and even if, fire has been extinguished, smoke will continue to exist. This will cause major health hazards to the

citizens.

2. Our attention is invited to various obligations of the local authorities under the Solid Waste Management Rules, 2016 (for short, "the 2016 Rules") and in particular clause (zg) of Rule 15 which reads thus:

"15. Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations.- The local authorities and Panchayats shall,-

(zg) create public awareness through information, education and communication campaign and educate the waste generators on the following; namely:-

(i) not to litter;

(ii) minimise generation of waste;

(iii) reuse the waste to the extent possible;

(iv) practice segregation of waste into bio-degradable, non-biodegradable (recyclable and combustible), sanitary waste and domestic hazardous wastes at source;

(v) practice home composting, vermi-composting, bio-gas generation or community level composting;

(vi) wrap securely used sanitary waste as and when generated in the pouches provided by the brand owners or a suitable wrapping as prescribed by the local body and place the same in the bin meant for non-biodegradable waste;

(vii) storage of segregated waste at source in different bins;

(viii) handover segregated waste to waste pickers, waste collectors, recyclers or waste collection agencies; and

(ix) pay monthly user fee or charges to waste collectors or local bodies or any other person authorised by the local body for sustainability of solid waste management."

It is obligation of the Municipal Corporation of Gurugram to take immediate measures in terms of clause (zg) of Rule 15 of the 2016 Rules.

3. It must be noted here that this Landfill Site is used not only by the Municipal Corporation of Gurugram, but also by the Municipal Corporation of Faridabad. There are large scale instances of similar fires in the NCR region. Therefore, it will be appropriate if the Commission for Air Quality Management (CAQM) issues directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 dealing with this issue including the preventive measures.

4. We direct the Commissioner of the Municipal Corporation of the Gurugram to file an affidavit setting out the outer limit within which, the legacy waste of at least, 09 lakh metric tons will be removed. Such affidavit to be filed by 14th May, 2025.

5. List on 15th May, 2025 at 2:00 p.m.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)