

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 63 of 2012**

**Haat Supreme Wastech Pvt. Ltd. & Ors. Vs. State of Haryana & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER  
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER  
HON'BLE MR. P.S RAO, EXPERT MEMBER

**Present:**

**Appellant:** Raktim Gagoi, Advocate and Mr. Vikas Tomar

**Respondent No.1&3:** Mr. Narnender Hooda Sr. advocate and Mr. D. P. Singh Advocate

**Respondent No. 2:** Ms. Alpana Poddar, Advocate

**Respondent No.5:** Mr. Narender Pal Singh, Advocate

**Respondent No.6:** Mr. Daleep Kr. For Mr. Pradeep Misra  
Mr. Anuj Aggrawal for Noticee No. 7, Safdarjung  
Mr. Puja Kalra, Advocate for Hindu Rao and MVID Kingsway Camp  
Mr. D. Rajeshwar Rao, Advocate for Baba Sahib Ambedkar Hospital  
Mr. Bhupesh Narula Advocate for ESIC  
Mr. D. P. Singh and Mr. R. P. Vyas for LHMC and Associated hospitals  
Ms. Anjali Chauhan Advocate for AIIMS  
Mr. Rajender Khattar Advocate, for Northern Railway Central Hospital  
Noticee No. 24 R. K. Gupta and Mr. Rajiv Trivedi for Maharaja Agrasen Hospital  
Ms. Puja Kalra for Hindu Rao Hospitals, Rajan Babu Institute and Maharishi Valmiki Institute  
Mr. Anuj Aggrawal Advocate for Noticee No. 7  
Mr. Ayushya Kumar for LRS Institute for T. B. & Respiratory Diseases

Date and Remarks	Orders of the Tribunal
<b>Item No. 14 August 23, 2013</b>	<p>We have heard the Learned Counsel appearing for the parties including the Delhi Pollution Control Committee.</p> <p>It is conceded position that the following nine hospitals, which are violating the Bio Medical Rules with impunity, have not remedied the shortcomings and have not fully complied with the requirements for dealing with and disposal of the BMW (Bio Medical Waste, BMW) generated from these hospitals. Unfortunately, most of them are government run hospitals and deal with the largest section of the society. Normally, we could have directed prosecution of Director/Medical Superintendents of these hospitals for persistent default on their part, but in the interest of justice, environment and larger public interest, particularly keeping in mind the assurance given by the Learned Counsel appearing for these hospitals upon instructions from the respective Doctors who are present on their behalf that they would comply with all</p>

the directions at the earliest, we refrain them from doing so. These hospitals are:

- i. AIIMS
- ii. Lala Ram Swaroop Institute of Tuberculosis and Respiratory Diseases, Aurobindo Marg, New Delhi.
- iii. Dr. RML Hospital
- iv. Northern Railway Central Hospital, Basant Lane, New Delhi-15
- v. M/s ESI Hospital, Basai Darapur, Ring Road.
- vi. Maharaja Agrasen Hospital, West Punjabi Bagh.
- vii. ESI Hospital, Sector-15, Rohini.
- viii. M.V.I.D Hospital (MCD). Kingsway Camp.
- ix. Dr. Baba Saheb Ambedkar Hospital, Sector-6, Rohini.

These hospitals pray for further time to comply with certain directions.

The purpose of the Application primarily is to achieve the object of environmental protection. We are of the considered view that it may not be fruitful at this stage to direct prosecution of the Director/Medical Superintendent of all the respective hospitals, but we make it clear that remedial measures to remove the short comings/deficiencies pointed out by the Committee should be taken without fail at the earliest.

However, to ensure that there is complete compliance of the rules and their dealings with larger number of patients do not cause injuries to the human health and environment, we constitute the following committee to inspect all the above nine hospitals before the next date of hearing and place comprehensive report before the Tribunal.

The Committee shall be:

1. Member Secretary of the CPCB
2. Member Secretary of the DPCC
3. Senior Scientists nominated by the Head of the Department of EPTRI, Hyderabad.

We hereby direct the head of the Department of that institute to nominate a Sr. scientist forthwith, who shall be at Delhi and shall ensure the conduct of inspection of these hospitals within the time specified in this order.

The Committee shall inspect all these nine hospitals and place the report as to whether the BMW Rules are being complied in all respects or not particularly, in relation to collection, segregation and disposal of the BMW. Any suggestion that the committee

feels appropriate to ensure that these hospitals do not, directly or indirectly, cause any health hazard or environmental damage in the entire process of use collection, disposal and recycling of the BMW.

Nine hospitals shall also be inspected by the above inspecting team and report submitted as to whether there is partial compliance of rules and certain specific steps are required be taken by these hospitals or not as stated.

The report shall be filed before the Tribunal positively, by the Committee within four weeks from today.

The DPCC shall conduct inspection of remaining private hospitals in terms of our order dated 19-07-2013 in the meanwhile.

List this matter on 27<sup>th</sup> September, 2013 for further directions and consideration of the report.

At oral request of the Learned Counsel appearing for the parties MoEF is directed to be impleaded as party Respondent.

All these Respondents particularly State of Haryana, Pollution Control Board, Haryana, MoEF and CPCB will seek clear instructions as to whether the plants dealing with the BMW disposal and recycling are required to take EC or not or they need to stop their functioning.

Stand over to 29<sup>th</sup> August, 2013.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,JM  
(S.N. Hussain)

.....,EM  
(D. K. Agrawal)

.....,EM  
(P.S. Rao)