

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)

(2) IN RE: STUBBLE BURNING AND SMOG IN DELHI(i) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)(ii) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA)AND DIRECTIONS ON BEHALF OF INDIA TRADE PROMOTION ORGNISATION)(iii) IA NO. 181745/2019 AND IA NO. 46339/2020(APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF HARSHITA SINGHAL)(iv) REPORT NO. 110 SUBMITTED BY EPCA REGARDING HOSPITAL WASTE MANAGEMENT IN COMPLIANCE OF DIRECTIONS DT. 06.3.2020)(v) REPORT NO. 111 SUBMITTED BY EPCA (REPORT ON PILLING UP OF WASTE/GARBAGE BY THE SIDES OF RAILWAY TRACKS IN DELHI IN COMPLIANCE OF DIRECTIONS OF THE HON'BLE COURT DT. 28.02.2020)(vi) IA NOS. 56487 AND 56489/2020 (APPLNS. FOR EXTENSION OF TIME AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD)

(3) IN RE: PET COKE(i) IA NOS. 100194, 102169 AND 108253/2018 (APPLNS. FOR INTERVENTION, PERMISSION/DIRECTIONS AND CLARIFICATION OF ORDER DT. 26.7.2018 ON BEHALF OF INDIAN STEEL ASSOCIATION)(ii) IA NOS. 113743 AND 113750/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O M/S BHARAT ALUMINIUM COMPANY LTD.)(iii) IA NOS. 153800 AND 153803/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O NOBLE CAUSE FOUNDATION)(iv) IA NOS. 184874 AND 184881/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O ALLIED J.B. FRICTION PVT. LTD.)(v) IA NO. 67800/2019 (APPLN. FOR INTERVENTION ON B/O MEWAR CHAMBER OF COMMERCE AND INDUSTRIES)(vi) IA NOS. 54314, 54315 AND 54320/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING DULY AFFIRMED AFFIDAVIT ON BEHALF OF RANE BREAK LINING LTD.)(vii) IA NOS. 56937, 56938 AND 56939/2020 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING DULY AFFIRMED AFFIDAVIT ON B/O NEO CARBONS PVT. LTD.)

(5) IA NOS. 59929 AND 59930/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF UTTAR PRADESH RAJYA VIDYUT UTPADAN NIGAM LTD.)

WITH

SMW(C) No. 3/2019 (PIL-W)
(FOR ADMISSION)

W.P.(C) No. 1333/2019 (PIL-W)
(FOR ADMISSION and IA No.170316/2019-EX-PARTE STAY and IA
No.170317/2019-PERMISSION TO APPEAR AND ARGUE IN PERSON)

T.C.(C) No. 42/2019 (XVI-A)

T.C.(C) No. 41/2019 (XVI-A)

W.P.(C) No. 1426/2019 (PIL-W)
(FOR ADMISSION)

Date : 21-07-2020 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE M.R. SHAH

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Mr. Senthil Jagdeesan, Adv.

Mr. D.N. Goburdhun, Adv.

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Mr. Pukhrambam Ramesh Kumar, Adv.

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Mr. Shresth Sharma, Adv.

M/S Khaitan And Co., AOR

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Mr. Nishant Piyush, Advocate

Ms. Tulika Mukherjee, Adv.

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Mr. Upendra Mishra, Adv.
Mr. Vinod Sharma, Adv.
Mr. R.C. Kohli, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Vipin Nair, Adv.
Mr. Siddhesh Kotwal, Adv.
Mr. Divyansh Tiwari, Adv.
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Ms. Madhumita Bhattacharjee, Adv.
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Mr. K.V. Jagdishvaran, Adv.
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Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Yash Pal Dhingra, Adv.
Mr. Keshav Mohan, Adv.
Mr. R.K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.
Mr. Piyush Vatsa, Adv.
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Mr. Subhro Sanyal, Adv.
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Mr. Omar Hoda, Adv.
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Ms. Nidhi Mohan Parashar, Adv.

Mr. Tapesh Kumar Singh, Aor

Mr. Ajay Aggarwal, Adv.
Mr. Kishan Rawat, Adv.
Mr. Rajan Narain, Aor

Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Mr. G. Prakash, Aor

Dr. Sanjay Kulshrestha, Applicant-in-person

Mr. C. K. Rai, AOR

Mr. Rajat Jariwal, Adv.

Applicant-in-person

Petitioner(s)-in-person

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

REPORT NO. 106 SUBMITTED BY EPCA (Special Report on pollution hot spots in NCR with request for urgent directions to improve enforcement and pollution control)

IN RE: STUBBLE BURNING AND SMOG IN DELHI
INTERLOCUTORY APPLICATION NO. 127792/2017(DISPOSED OF) (Application for direction submitted in Court by A.C. on 17.11.2017)

INTERLOCUTORY APPLICATION NOS. 158128 AND 158129/2019 (Appls. For intervention and directions on behalf of Dr. Kaushal Kant Mishra)

IN RE : COMPLIANCE OF ORDER DATED 13.01.2020

We are literally shocked at the attitude of the respondents with respect to installation of Smog Towers, which were supposed to be installed within three months and for which an agreement was to be entered into and the order was passed on 13.01.2020 after obtaining the requisite reports. Places were also chosen and stated on affidavit by the Central Government and the Govt. of NCT of Delhi. It was directed that the smog towers be installed within three months, but unfortunately, neither the Agreement has been entered into nor the requisite drawings have been obtained. The affidavit that has been filed is so much laconic and it is painful to note that the real intention is not to comply with the order of this Court and there is absolutely no respect shown to the order passed by this Court and for compliance of the order passed by this Court by the concerned respondents.

In the circumstances, we direct the MoEF and Govt. of NCT of Delhi to collect the drawings, in case the drawings have not been collected so far and to enter into an agreement positively within seven days and place compliance before this Court on the next date of hearing. In case the aforesaid directions are not complied with, we direct the personal appearance of the Secretary to the Government, MoEF and the concerned Secretary to the Govt. of NCT of Delhi on the next date of hearing, to explain as to why they have not complied with the order passed by this Court so far.

List the matter on 29.07.2020.

IN RE : WATER QUALITY

The issue of Water Quality will also be taken up on 29.07.2020.

IN RE : PILING UP OF WASTE/GARBAGE BY THE SIDES OF RAILWAY TRACKS IN DELHI

We direct the Railway Department as well as the Municipal Corporations to comply with the order and to submit an action plan on the next date of hearing.

It is made clear that if the action plan is not submitted within the stipulated time, appropriate action will be taken against the concerned individuals.

List the matter in the first week of August, 2020 regarding Waste/Garbage.

Various affidavits filed by the State Governments will be taken up separately, except the matters of Delhi, Haryana, Punjab and U.P.

Let the matters of Delhi, Haryana, Punjab and U.P. to be heard together on 29.07.2020 along with the issue of Smog Towers.

It was rightly pointed out by Ms. Aparajita Singh, learned Amicus Curiae and senior counsel, that nothing concrete has been done so far. Meeting of all stakeholders is required to be held by the Central Government involving the States of Haryana and Punjab to work out the comprehensive plan of action. We direct that a

meeting be convened among the concerned high level officers and the Secretaries of the Ministry of Environment and Forest and Ministry of Agriculture with the Chief Secretaries of Delhi, Punjab and Haryana and a comprehensive plan be submitted to this Court on the next date of hearing.

List on 29.07.2020.

INTERLOCUTORY APPLICATION NO. 181745/2019 AND 46339/2020
(Applications for Intervention and Directions on behalf of Harshita Singhal)

With respect to Bio-medical waste, this Court passed an order on 06.03.2020 and issued notice to M/s Biotic Waste Solutions Pvt. Ltd. In spite of notice, they have not responded so far. It was pointed out by Mr. A.N.S.Nadkarni, learned senior counsel appearing on behalf of the applicant(s), that Bio-medical waste is being dumped in open in the nearby forest area, which is an objectionable act. It was also pointed out by Ms. Aparajita Singh, learned Amicus Curiae that Bio-medical waste is not being segregated and it is very dangerous, more so due to the pandemic of Coronavirus. As the bio-medical waste of the corona patients is mixed with that of general patients and thrown in open, the same is going to create havoc and its requisite treatment by Incinators and disposal is required.

Under the Bio-Medical Waste (Management and Handling) Rules 2016, the individual hospitals can enter into a contract only with the State Pollution Board approved Common Bio-Medical Waste Treatment Facility (the Contractor) who collects the waste from the

hospitals and manages the disposal of the waste.

The tracking of biomedical waste generated; collected; processed and recycled needs to be improved urgently by adopting the bar-code system, as specified in the 2016 Rules which has not yet been implemented completely. The following hospitals have not adopted the bar code system as per the EPCA Report :

1. Chhatrapati Shivaji Subharti Hosiptal, Subhartipuram, NH-58, Meerut
2. Paras Hospital, Plot No. 130, Sector 4, Vaishali, Ghaziabad
3. Lyf Hospital, NH- 04, Gyan Khand -I, Indrapuram, Ghaziabad

For the aforesaid purpose, we have requested Ms. Aishwarya Bhati, learned ASG appearing on behalf of the Central Government and Mr. Dinesh Dwivedi, learned senior counsel appearing on behalf of the Government of NCT of Delhi that let a meeting of the Central Pollution Control Board, Delhi Pollution Control Board and EPCA and the requisite stakeholders of the concerned Departments of the Central Government and Delhi Government and National Capital Region, including the representatives of the Corporations be called for urgently within three days from today and steps be taken with respect to clearing bio-medical waste of various hospitals and that of Corona patients.

Let notice be issued to the hospitals and they are directed to ensure that bio-medical waste is not dumped in the open area and properly segregated and disposed of. Let a concrete action plan be prepared in this regard with respect to bio-medical waste and be submitted to this Court before the next date of hearing.

The following Contractors mentioned at Page 7 of the EPCA Report No. 110 are also issued notice and they are directed to respond before the next date of hearing :-

<u>State</u>	<u>Name of the Contractors</u>	<u>Address</u>
Delhi	Biotic Waste Solutions Pvt. Ltd.	46, SSI Industrial Area, G. T. Karnal Road, Jahagirpuri, New Delhi - 33
	SMS Water Grace Pvt. Ltd.	B-30, Ranhola-Nilothi Road, Amritapuri, Nilothi Village, Nilothi, Delhi - 41
UP/NCR	Synergy Waste Pvt. Ltd., Meerut	Chhatrapati Shivaji Subharti Hospital Campus, Subharatipuram, NH-58, Meerut
	Medicare Environmental Management Pvt. Ltd, Hapur	C-21, Phase I, UPSIDC, Masoori Gulawati Road, Hapur, UP
	M/s Environ Waste Connection LLP, Hapur	BN-102-104, Phase III, UPSIDC, MG Road Industrial Area, UP - 201015.
Gurugram	Biotic Waste Solutions Pvt. Ltd.	Plot No. 725, Sector 37, Gurugram.
Rohtak	M/s S D Biomedical Waste Management Co., Rohtak	Village Balland, Rohtak.
Rajasthan	M/s Hoswin Incinerator Pvt. Ltd.	Village Rundh, Dhuninath Tehsil, Ramgarh, Near MIA, Alwar, Rajasthan. Contact Person - Mr. Arvind Bhardwaj - 8875693666

Let a fresh notice be issued to M/s Biotic Waste Solutions Pvt. Ltd. to file a compliance report.

IN RE: PET COKE

INTERLOCUTORY APPLICATION NOS. 100194, 102169 AND 108253/2018 (Appls. for Intervention, Permission/Directions and clarification

of Order dt. 26.7.2018 on behalf of Indian Steel Association)

We find no merit in these applications. The applications are, accordingly, dismissed.

INTERLOCUTORY APPLICATION NOS. 113743 AND 113750/2019 (Applications for impleadment & Directions on behalf of M/s Bharat Aluminium Co. Ltd.)

List these applications in the first week of August, 2020.

INTERLOCUTORY APPLICATION NOS. 153800 AND 153803/2019 (Applications for Intervention and Directions on behalf of Noble Cause Foundation)

The learned senior counsel appearing for the applicant(s) seeks leave to withdraw these applications at this stage, with liberty to file fresh application(s), in case necessity arises.

The applications are, accordingly, dismissed as withdrawn.

INTERLOCUTORY APPLICATION NOS. 184874 AND 184881/2019 (Applications for Impleadment and Directions on behalf of Allied J.B. Friction Pt. Ltd.)

We are not inclined to allow the prayer made in these applications. The applications are, accordingly, dismissed.

INTERLOCUTORY APPLICATION NO. 67800/2019 AND 65667/2020 (Applications for Intervention and Directions on behalf of Mewar chamber of Commerce and Industries)

We find no merit in the prayer made in these applications. The applications are, accordingly, dismissed.

INTERLOCUTORY APPLICATION NOS. 54314, 54315 AND 54320/2020

(Applications for Intervention, Directions and exemption from filing duly affirmed affidavit on behalf of Rane Break Lining Ltd.)

We find the applications to be bereft of merits. The applications are, accordingly, dismissed.

INTERLOCUTORY APPLICATION NOS. 56937, 56938 AND 56939/2020 (Applications for Intervention, Directions and exemption from filing duly affirmed affidavit on behalf of Neo Carbons Pvt. Ltd.)

We find no merits in the prayer made in these applications. The applications are, accordingly, dismissed.

INTERLOCUTORY APPLICATION NOS. 59929 AND 59930/2020 (Applications for Impleadment and Directions on behalf of Uttar Pradesh Rajya Vidyut Utpadan Nigam Ltd. (Harduaganj Thermal Power Station))

Issue notice.

Recovery so far as regards to Uttar Pradesh Rajya Vidyut Utpadan Nigam Ltd. shall remain stayed till the next date of hearing.

Tag with I.A. No. 53959 and 53962/2020.

Perused the letter circulated by Dr. Bhure Lal, Chairman, EPCA for urgent listing of Report Nos. 109, 108 and 105.

List these reports along with relevant applications in the first week of August, 2020.

(NARENDRA PRASAD)
AR-CUM-PS

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
ASSISTANT REGISTRAR