BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

M.A. No. 38 of 2015, M.A. No. 76 of 2015 & M.A. No. 77 of 2015 In

Original Application No. 199 of 2014

Almitra H. Patel & Anr. Vs. Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant:

Respondent No. 1:

Mr. Debmulya, Ms. Devina Sehgal and Mr. Abhishek Roy, Advs.

Advocates

Mr. Vikas Malhotra and Mr. M.P. Sahay, Advs.

Mr. Vijay Panjawani for CPCB

Mr. Sanjeev Sen, Mr. Riku Sarma, Mr. Navneet Kumar and Ms. Kankana Arandhara, Advs.

Mr. Jayesh Gaurav and Mr. R. N. Kashap, Advs.

Mr. Pradeep Mishra and Mr. Daleep Dhyani, Advocates

Mr. Mukesh Verma, Advocate, Mr. Vinod Singhal and Dr. P. Amkalagam, Advs.

Ms. Puja Kalra, Adv. and Mr. Tanjeet Ahmed, Adv.

Mr. S. Biswajit, Adv.

Ms. Prerna Singh and Mr. Guntur Prabhakaran, Adv.

Mr. Sunil Satyarthi, Advocate for Delhi Cantonment Board

Mr. Jogy Scaria, Adv.

Mr. K. V. Jagdishvaran and Mr. G. Indira, Advs.

Mr. Suryanarayan Singh, AAG of H.P.

Mr. S.S. Chauhan and Ms. Anushri Singh, Advs.

Mr. Devashish Bharukha and Ms. Anu Tyagi, Advs.

Ms. Aruna Mathur, Adv. and Mr. Yusuf Khan for the State of Sikkim

Mr. G. H. Kawasso and Mr. Muzzafar Kirmani, Advs.

Mr. Bikas Kar Gupta, Adv.

Dr. Abhishek Atrey and Mr. Rahul Verma, Advs.

Mr. Raman Yadav, Advocate for State of U.P.

Mr. Kulanand Joshi, Member Secy. Mr. Biraja Mahapatra, Mr. D.K. Pradhan and Mr. Dinesh Jindal, Advocates for DPCC

Mr. Gaurav Dhingra, Adv.

Mr. Lokendra Singh Kachhawala, Adv.

Mr. A.K. Pandey, Mr. M. Paikaray, Adv and Mr. S. Panda, and Mr. B.P. Pattajoshi, Advs. for Odisha State Pollution Control Board

Mr. Dhanjay Baijal and Mr. Nikhil Nayyar, Advocates for APPCB & Telangana Pollution Control Board

Mr. Anil Soni, AAG

Mr. Naginder Benipal along with Member

Secretary Mr. Babu Ram

Mr. D.K. Thakur and Mr. Vineet Kumar, Member Secretary

Mr. Amit Agarwal and Ms. Asha Nayar Basu,

Advocate for WBPCB

Mr. Anil Grover, AG with Mr. Rahul Khurana, advocate for the State of Haryana & Haryana State Pollution Control Board

Mr. Devraj Ashok, Advocate

Mr. S.S. Shamshery, AAG, and Mr. Varun Punia

Mr. Sushil Dutt Sahwan, Adv.



Mr. M. Yogesh Kanna, Advocate

Mr. K. Enatoli Sema, Mr. Imjung Panjer and Mr, Member Secy. Kusuvil Soh, Member Secy.

Ms. Preeti Bhardwaj, Ad. With Mr. Ashok Sinha, Secy, Ms. Mona Thanthar, Mr. N.M. Tabhani, EE and Mr. Anil Shrivastava and Mr. Sanyam Saxena Officer

Mr. Sarkar Sardana, Mr. Kabir S. Bose, Ms. Surabhi Sardana and Mr. B.P. Gopalika, Advs.

Ms. Aprajita Mukherjee for State of Meghalaya and Mr. Ethelbert Kharmalki, Joint Secy.

Ms. Shibani Ghosh, Adv.

Mr. Sunny Choudhary, Adv. for MP PCB

Mr. C.D. Singh and Ms. Anshuman Shrivastava Advs.

Ms. Tayenjam Momo, Adv

Mr. Ritoraj Biswaj, Mr. Gopal Singh, Mr. Sujaoya Bardhan, Advs.

Mr. Ranjan Mazumdhar, Adv. for State of Assam

Mr. Rajeev Kumar, Adv. for State of Manipur

Mr. Abhimanyu Garg, Ms. Preety Makkar, Advs.

Mr. Raksh Chandra, IAS, Secy. Mr. Dwarakanath

MS PPCC, Mr. N. Ramesh EE

Mr. P. Mathur Samuel

Mr. Ravi Krishan Chandra and Mr. Gaurav Seth, Adv.

Mr. Atraaman N.S., Mr. Datta Prasad, Ms. Bansuri Swaraj, Mr. Nikhil D. Pai, Ms. Neha U. Khokor and Mr. Purnaa Bhamdri

Mr. Alok Kumar, Ms. Aditi Tomar, Ms. Senjul Khanna, Advs.

Mr. G.M. Kawoosa, Adv.

Mr. Vijay Panjwani, Adv.

Ms. Yogmaya Agnihotri, Adv. for CECB

Mr. Aja Kadian, Member Secy.

Mr. Gopal Jha, Adv. and Mr.Rakesh Kumar, Member Secy,

Mr. Pragyan Pradip Sharma and Mr. Heshu Kayima, Advs.

	Date and Remarks	Orders of the Tribunal
16	Item No. 20 February 05, 2015	All other States and State Boards except UTs Chandigarh and Lakshadweep are present.
		In furtherance to our previous order, Secretaries/ Additional Secretaries/Principal Secretaries/Chief
		Engineers and Member Secretaries of the concerned
		Boards are also present.
		Learned Counsel appearing for all these
		authorities submit that it is because of either oversight
		or lack of communication, the order of the Tribunal
		including orders dated 15.01.2015 and 02.12.2014 and
		the orders of the Hon'ble Supreme Court of India have

not been complied with in their entirety. They assure the Tribunal that status report with complete reply/suggestions based upon and with reference to the judgment of the Tribunal in the case of "Capt. Mall Singh & Ors. Vs. Punjab PCB & Ors. Appeal No. 70 of 2012" (which is already on the website) will be submitted positively within three weeks from today.

In view of the assurance given by the learned Counsel appearing for the concerned States/Boards/Authorities, we grant three weeks time by way of last opportunity for filing of such reports. The Central Pollution Control Board shall submit its independent comments in relation to formulation of a national policy with regard to collection and disposal of the municipal solid waste as a Model policy to be adopted. Let the CPCB salso submit such proposal within two weeks from today and put it on their websites so that other State Board and State Governments shall also have advantage of that Report and take the same into consideration while submitting their status reports/suggestions in accordance with this order.

We hereby direct that every status report will specifically indicate if there is even a single district or village in the entire State/UT where the MSW is collected in its entirety segregated and disposed of in accordance with MSW Rules, 2000. It will also be stated as to how the MSW is being converted to an environment friendly beneficial end product, i.e. whether it is totally converted into the useable

material/component or is it composted or recycled.

All status reports filed so far are cancelled.

None of the officers need to be present only if the order is complied with.

In exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908, we issue bailable warrants against the Member Secretary of Pollution Control Committee and the Environmental Secretary of both UT Chandigarh and UT Lakshadweep in the sum of Rs. 10,000/- each to the satisfaction of the arresting Officer to secure their presence before us. The bailable warrants shall be executed by the concerned SHO. Bailable warrants returnable on 17.03.2015.

All the local authorities, DDA, Corporation shall fully co-operate with the State Government in preparation of such reports.

List the matter on 17th March, 2015.

M.A. No. 76/2015

In view of the order passed above, M.A. No. 76/2015 does not survive for consideration and is accordingly dismissed.

M.A. No. 77/2015

This application is allowed subject to just exception. The applicant would only have right to intervene and heard at the time of arguments. M.A. No.

	77/2015 is disposed of accordingly.
	,CP (Swatanter Kumar)
	,JM (U.D. Salvi)
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	,EM (Bikram Singh Sajwan)
	,EM (Ranjan Chatterjee)

