

ITEM NO.26

COURT NO.6

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 6676/2018

(Arising out of impugned final judgment and order dated 09-03-2018 in PIL No. 33/2018 passed by the High Court of Judicature at Bombay at Aurangabad)

COMMISSIONER AURANGABAD MUNICIPAL CORPORATION

Petitioner(s)

VERSUS

VIJAY LAXMANRAO DAK & ORS.

Respondent(s)

(With IA No.36065/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 28-03-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Jayant Bhushan, Sr. Adv.
Mr. Shivaji M. Jhadhav, Adv.
Mr. Brij Kishor Sah, Adv.
Ms. Astha Deep, Adv.
Mr. Nicolas Chaudhary, Adv.
M/S. S.M. Jadhav And Company, AOR

For Respondent(s)

Ms. Pradnya Talekar, Adv.
Mr. Atul Babasaheb Dakh, AOR

Mr. Kavin Gulati, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Nishant Katneshwarkar, Adv.
Mr. Arpit Rai, Adv.

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

Mr. Kavin Gulati, learned senior counsel appearing for the State Pollution Control Board, has produced the material indicating the time lines which have been fixed by the Pollution Control Board for locating alternate sites for disposal of the solid waste by Aurangabad Municipal Corporation. It has also given short term as well as long term plans to implement the same. He has also produced copy of the order dated 01.03.2018 passed by the Government of Maharashtra, as per which, pursuant to the directions of the High Court in the impugned judgment, a Committee has been set up with the following persons:

1. Divisional Commissioner,
Aurangabad Division - Chairman
2. Collector, Aurangabad. - Member
3. Commissioner,
Aurangabad Municipal Corporation - Member
4. Regional Officer, Aurangabad
Maharashtra Pollution Control Board - Member
5. Dy. Commissioner (Solid Waste
Management) Aurangabad Municipal
Corporation - Member Secretary

This Committee is set up to ensure that problem of solid waste management in the Aurangabad city is solved. Obviously, this Committee will ensure that the alternate sites are provided for disposal of municipal solid wastes and the mechanism is in place as per the suggestions given by the Pollution Control Board. The aforesaid order dated 01.03.2018 also directed the Committee to conduct its

meetings at least once a week till the problem of waste in Aurangabad city is solved and to take a review of solid waste management and also submit its report to the Government from time to time regarding the decisions taken in the said meetings.

Learned counsel appearing for respondent Nos. 1-10 has, on the other hand, pointed out that in other petition pending in the High Court of Bombay, i.e., Public Interest Litigation No. 36/2018, the Municipal Corporation has submitted its affidavit in reply and as per this, insofar as biodegradable waste is concerned, the arrangement thereof has already been made and the problem which now remains, concerns with non-biodegradable waste.

Since the petitioner shall now has to undertake the work in accordance with the program which is submitted by the Pollution Control Board and the same is going to be monitored by the Committee constituted by the Government vide Order dated 01.03.2018, we are of the opinion that no further orders are required to be passed in this petition. We are conscious of the problem which is being faced by the petitioner of immediate dumping of the solid waste. For this purpose, we leave it to the Committee to take all appropriate measures. It would be open to the petitioner to make a submission that the said waste should be deposited at the site earlier marked. The Committee before taking a decision in this aspect shall also give hearing to

SLP (C) No. 6676/2018

respondent Nos. 1-10.

The special leave petition stands disposed of.

**(NIDHI AHUJA)
COURT MASTER**

**(MALA KUMARI SHARMA)
COURT MASTER**