

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

**M.A.No.57 of 2017 (SZ)
in
Application No. 86 of 2016 (SZ)**

Applicant(s) Vs. Respondent(s)
The Union Territory of Puducherry L. Lakshmanasamy,
Rep. By its Secretary, President,
Puducherry. Perambai Panchayat,
Perambai, Villupuram District.

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
Mr. K.R. Harin M/s. Yogeshwaran. A.
Neha Miriam Kurian for R1
Mrs. M. Sumathi for R2
Mr. K.R. Harin for R3 to R7
Mrs. Sathyabama for R8
M/s. D. Lakshmipathy
P. Ravichandran,
C. Snethamizh for R9

Application No.86 of 2016 (SZ)

Applicant(s) Respondent(s)
L. Lakshmanasamy, Vs Union of India rep. by ,
President, Perambai Panchayat, the Secretary to Govt,
Perambai, Villupuram Dist MoEF & CC, New Delhi
and 7 others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
M/s. Yogeshwaran. A, Mrs. M. Sumathi for R-1
Neha Miriam Kurian Mr. K.R. Harin for R2 to R6
Mrs. Sathyabama for R7
M/s. D. Lakshmipathy, P.Ravichandran
and C.Senthamizh for R8

Application No. 9 of 2014 (SZ) (THC)
(W.P. No. 8011 of 2011, High Court of Madras)

Applicant(s)

M/s. Puducherry Environment Protection Association, repl. by its Secretary, Puducherry

Respondent(s)

Vs. The Union of India, rep. by its Secretary MoEF, New Delhi and 6 others

Legal Practitioners for Applicant(s)

M/s. A. Yogeshwaran

Legal practitioners for respondent(s)

Mr. M.R. Gokul Krishnan for R-1
Shri K.R. Harin for R-2, R5 and R6
Mrs. A. Sathyabama for R-3
Smt. Yasmeen Ali for R-4

Note of the Registry	Orders of the Tribunal
Order Nos. 2 and 3	<p>Date: 23rd May, 2017</p> <p><u>M.A.No.57 of 2017</u></p> <p>Learned counsel appearing for the applicant seeks permission to withdraw the application with liberty to file proper application. Permission with liberty granted.</p> <p>The application is disposed as withdrawn with liberty to file proper application.</p> <p><u>Application Nos. 9 of 2014 & 86 of 2016</u></p> <p>The Pollution Control Board of the Union Territory of Puducherry filed the inspection report as directed. An affidavit has also been filed by the Member Secretary of the Board. The report and the affidavit does not disclose the capacity of the Common Bio Medical Waste Treatment Facility available in the Union Territory of Puducherry. Unless the capacity of the Common Bio Medical Waste</p>

Treatment Facility is sufficient enough to treat all the Bio Medical Waste being generated by all the hospitals, it cannot be said that there is proper Common Bio Medical Waste Treatment Facility.

The Pollution Control Board shall file a report after inspection of the Common Bio Medical Waste Treatment Facility in Thuthipet, showing the capacity of the treatment facility available, the quantum of Bio Medical Waste being generated by all the hospitals, which sent their Bio Medical Waste to the Common Bio Medical Waste Treatment Facility. The report shall also disclose the result of the direction issued for violation of the Bio Medical Waste Management Rules, 2016 by the 2 hospitals shown in paragraph 3 of the affidavit. It is made clear that the Pollution Control Board shall not sit over the directions and shall take proper action to make the hospitals comply with the Bio Medical Waste Management Rules, 2016. It is made clear that if the hospitals fail to comply with the directions, necessarily polluter pay principle has to be applied.

The report submitted shows only the details of the Bio Medical Waste generated by 14 hospitals. Learned counsel appearing for the applicant pointed out that there are other Clinics and Nursing Homes where the Bio Medical Waste is being generated. The Pollution Control Board shall file a composite report with regard to the whole Bio Medical

Waste as defined in the 2016 Rules being generated and how it is being treated in accordance with the Bio Medical Waste Management Rules, 2016.

The applicant is at liberty to file response to the report.

List the matters on 10.07.2017

.....J.M.
(Justice M.S. Nambiar)

