

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

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

Applicant(s) Respondent(s)
M/s. Puducherry Environment Protection Association, repl. by its Secretary, Puducherry Vs. The Union of India, rep. by its SecretaryMoEF, New Delhi and 6 others

Legal Practitioners for Applicant(s) Legal practitioners for respondent(s)
M/s. A. Yogeshwaran 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

Application No.86 of 2016 (SZ)

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

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

Note of the Registry	Orders of the Tribunal
Order Nos. 3 and 4	Date: 10 th July, 2017 <u>Application Nos. 9 of 2014 & 86 of 2016</u> The Environmental Engineer concerned is present. Respondent No.7, the Puducherry Pollution Control

Committee filed a reply affidavit along with annexures. By order dated 23.05.2017, the Pollution Control Board was directed to file a composite report with regard to the whole Bio-Medical Waste as defined in Bio-Medical Waste Management Rules 2016 being generated and how it is being treated in accordance with the Bio-Medical Waste Management Rules, based on the submission of the learned counsel appearing for the applicant that Bio-Medical Waste is being generated not only in 14 hospitals as stated in the report earlier submitted, but also in several other hospitals and clinics. Though the reply shows the details of Bio-Medical Waste generated in 107 hospitals / clinics, the report does not disclose that these are the only hospitals / clinics generating the Bio-Medical Waste. Therefore, reply does not comply with the directions given earlier. What is needed by the Tribunal is the total number of hospitals / clinics and other institutions generating the Bio-Medical Waste as defined under 2016 Rules, the quantum of Bio-Medical Waste being generated by them and the present facility available for treatment and how the Bio-Medical Waste so generated is being treated in Puducherry.

The Environmental Engineer is directed to file a report showing specifically the number of hospitals, clinics and other institutions generating Bio-Medical Waste operating in the Union Territory of Puducherry, the number

of hospitals, clinics and other institutions having the facility for treating the Bio-Medical Waste being generated by them, the details of the hospitals which have entered into an agreement with the Common Bio-Medical Waste Treatment Facility at Thuthipet, the quantum of the Bio-Medical Waste expected to be sent to the Common Bio-Medical Waste Treatment Facility, the actual capacity of the Common Bio-Medical Waste Treatment Facility to treat them and the details of the hospitals / clinics or other institutions generating Bio-Medical Waste but not having the facilities to treat them and not entered agreements with the Common Bio-Medical Treatment Facility and how the Bio-Medical Waste being generated / being disposed.

Learned counsel appearing for the applicant submitted that the details of 107 hospitals / clinics furnished by the Pollution Control Board is incorrect because even hospitals having thousands of beds are shown as having no waste under red category which can never be the case. There is merit in the submissions.

The Environmental Engineer present submitted that the details of the quantum of waste and the category of the waste shown in the table are as shown in the applications furnished by the respective hospitals / clinics for getting authorisation to the Pollution Control Board and without perusing the authorisations issued by the Pollution

Control Board. The Pollution Control Board is not expected to rely on the details furnished in the applications submitted by the institutions for getting authorisation especially, when on the face of it, the figures can never be true. The Environmental Engineer submitted that they could only inspect 26.8% of the institutions because of the insufficient staff. If it be so, it should have been stated in the affidavit that only a portion of the institutions could be inspected and more time is needed for the balance. Whatever it be, let all the institutions be inspected and the report be submitted within a period of 6 weeks.

The Report should also show the further action taken on the show cause notice issued to the five hospitals / clinics, for not obtaining the authorisation for the Bio-Medical Waste being generated by them. The report should also disclose the further action taken pursuant to the show cause notice issued to the Common Bio-Medical Waste Treatment Facility dated 03.07.2017.

List the matters on 18.08.2017

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