

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Original Application No.562 / 2024

In the matter of : -

Anshuman Upadhyay ... Applicant  
Versus  
State of U.P and Ors. ... Respondents

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Place: New Delhi  
Date: .11.2024

Drafted & Filed by:  
*Shivam Sakseena*  
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Ch.: 011 - 23073983  
MOB : 99718 85963

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Original Application No.562 / 2024

In the matter of :-

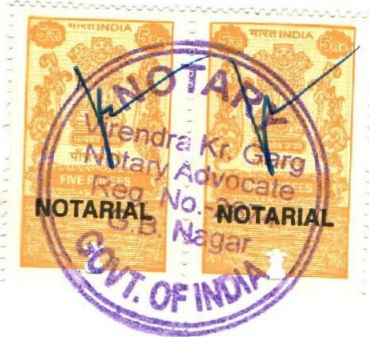
Anshuman Upadhyay

... Applicant

Versus

State of U.P and Ors.

... Respondents



REPLY ON BEHALF OF  
RESPONDENT NO.3,  
GREATER NOIDA INDUSTRIAL  
DEVELOPMENT AUTHORITY.

Most Respectfully Showeth:

1. The present Original Application has been entertained in exercise of suo-moto jurisdiction under Sections 14 and 15 of the NCT Act, 2010, wherein this Hon'ble Tribunal, vide Order dt. 5.7.2024, has been pleased to obtain a factual Report from a Joint Committee, which after site visit and collection of relevant information, would submit a Factual Report.

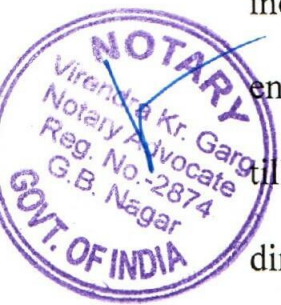
2. Pursuant to the said direction dt. 5.7.2024, the Joint Committee submitted its Report dt. 20.08.2024, making certain observations and recommendations, which find mention in the subsequent Order dt.

21.08.2024 passed by this Hon'ble Tribunal. In view of the Report of the

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Joint Committee, this Hon'ble Tribunal has been pleased to implead the answering Respondent as Respondent No.3 and the District Magistrate, Gautam Budh Nagar as Respondent No.4.

3. At this stage, it is submitted that Writ Petition No.13029 of 1985 pending consideration before Hon'ble Supreme Court, was taken up for hearing on 13.05.2024, inter alia, in regard to the issue of disposal of Municipal Solid Waste (MSW) in the cities of Delhi, Gurugram, Faridabad and Greater Noida. The Hon'ble Supreme Court, in para 8 of the said Order has been pleased to make a reference to the Affidavit of Diwakar Kumar Burnwal, Under Secretary, Switch Bharat Mission, Ministry of Housing & Urban Affairs, Govt. of India, wherein, the generation of solid waste (tonnes) per day and the processing capacity (tonnes) per day in the cities of Gurugram, Faridabad and Greater Noida were noticed. The Affidavit had also dealt with the legacy waste and the C & D waste. Noticing that the generation of solid waste is bound to increase, therefore, immediate measures are required to be undertaken to ensure that the generation of untreated solid waste shall not be increased till proper facilities are in place. Accordingly, this Hon'ble Court directed the Secretary, Ministry of Housing and Urban Affairs, Govt. of India, to convene a meeting of all the Authorities, governing the aforesaid areas to find out a solution and place the same before the Hon'ble Court.



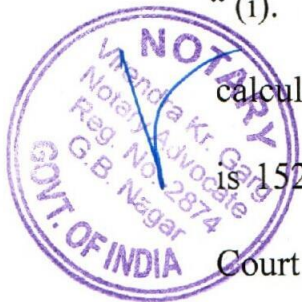
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A downloaded copy of the Orders dated 13.5.2024 by this Hon'ble Court in Writ Petition (C) No.13029 / 1985 is annexed hereto and marked as **ANNEXURE R-3/1.**

3. In regard to the above observations and directions, a meeting was convened by the Secretary, Ministry of Housing and Urban Affairs, Govt. of India. This has been attended by the Senior Officers of the Greater Noida Industrial Development Authority. In this meeting, the Ministry has been apprised of the measure(s), which the Greater Noida Industrial Development Authority has already initiated in regard to scientific treatment of the Municipal Solid Waste, both in respect of the legacy waste and that currently generated on daily basis, as also the estimated figure for the future, i.e. upto the year 2030. In this regard, a Compliance Affidavit was E filed on 17.7.2024, wherein the following was submitted for the kind consideration of this Hon'ble Court:

“(i). As of now, the total generation of Municipal Solid Waste is calculated at 350 tonnes per day while the available processing capacity is 152 tonnes per day. These figures have been noticed by this Hon'ble Court in para 8 of its Order dt. 13.5.2024.



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(ii). In view of the difference between the Municipal Solid Waste generated per day and the processing capacity at present, it is estimated that there is a legacy waste of about four lakh tonnes, which is lying accumulated at a temporary dumping site, situated on the land acquired by the Authority in village Lakhnawali.

(iii). The Authority invited tenders for submission of bids for remediation of the legacy waste as also the differential quantity, which is generated on day to-day basis. The tenders were invited on 2.05.2024, which date is anterior to the passing of the order dated 13.5.2024 by this Hon'ble Court. The evaluation of the tenders is to be made on the basis of two bid system, namely, the Technical Bid and the Financial Bid. The last date for submission of tender was 14.06.2024. Now the financial bids are to be opened in next ten days, which process is underway. It is expected that the final selection of the bidder would be made by 26.7.2024.

(iv). As per the tender conditions, the selected bidder shall have to establish the remediation facility at the temporary dumping site on or before September, 2024. Also, as per the tender conditions, on the basis of which the bids have been invited and received, one lakh tonnes of the legacy waste is to be remediated within a period of three and a half



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months from the date of issuance of the Letter of Award. Another one lakh tonnes of the legacy waste is to be remediated in the next two months (i.e. a total of 2 lakh tonnes would be remediated in five and a half months from the date of issue of the Letter of Award). Thereafter, the next one lakh tonnes of the Municipal Solid Waste is to be remediated in the next two months (i.e. a total of 3 lakh tonnes within a period of seven and a half months from the date of issue of the Letter of Award). The last one lakh tonnes of the accumulated Municipal Solid Waste is to be remediated in the next two and a half months. Thus, the total of four lakh tonnes of the legacy waste is expected to be remediated, as per the tender conditions, within a period of 12 months. However, keeping in view the monsoon season and any other unexpected hindrance, a buffer period of about three months has been provided. This means that while every effort is made to remediate the entire legacy waste of four lakh tonnes within a year from the date of issue of Letter of Award, this period on account of the aforesaid contingencies may at best be completed in 15 months.

(D) Since at present, there is a gap between the Municipal Solid Waste generated per day and the existing processing facility, in a period of one year, in addition to the legacy waste of four lakh tonnes, another quantity of 72,270 tonnes would become legacy waste. This quantity, as per the



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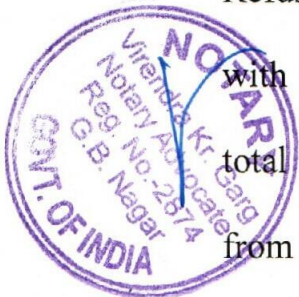
tender conditions, agreed to by the Bidder(s) would be remediated in a further period of two months. Thus, it is expected that by the end of 14 months or a maximum 17 months {taking into account the unforeseen hindrance(s)} there may not remain any untreated Municipal Solid Waste.

A downloaded copy of the Orders dated 26.7.2024 passed by this Hon'ble Court in Writ Petition (C) No.13029 / 1985 are annexed hereto and marked as **ANNEXURE R-3/2**.

4. Contract has been awarded to Lowest bidder, M/s.Bhumi Green Energy on 6<sup>th</sup> August, 2024. The test trials were conducted on 12<sup>th</sup> October, 2024 and the plant was inaugurated on 16<sup>th</sup> October, 2024. Two trammels with a capacity of 1,250 MT each have been installed and are operational. For legacy waste management, disposal of inert material and bio-soil, 5 excavators, one water sprinkler, one bio-culture tanker, and five dumper tippers (20 CUM) have been deployed. For disposal of Refused Derived Fuel (RDF), M/s.Bhumi Green has signed agreement with 05 paper mill in Distt. Muzaffarnagar and 06 cement factories. A total of 48 manpower has been deployed. According to daily reports from M/s.Bhumi Green Energy, 15,299.13 MT of legacy waste had been treated as of 05 November, 2024.

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5. To control the foul odour from fresh waste being dumped at the temporary site in Lakhnawali, the answering Respondent directed M/s.Bhumi Green Energy to spray bio-culture on fresh waste as well along with legacy waste. This process started since 5<sup>th</sup> November, 2024.

6. The answering Respondent is also regularly monitoring the non-compliant Bulk Waste Generators (BWG) who are not processing their waste insitu so notices have been issued to them. Till now, answering Respondent has issued notices to 135 non-compliant BWGs. answering Respondent have also empanelled six waste management agencies to assist / guide the BWGs and three dry waste aggregators to encourage dry waste management in the Greater Noida region. To expand the list of agencies supporting BWGs, the answering Respondent has issued two Expressions of Interests (EoI) for the empanelment of agencies to support BWG in onsite waste processing and dry waste aggregators for dry waste management respectively.

7. As regards the augmentation of the existing facilities, with a view to ensure that the capacity of the processing facilities is increased to more than the Municipal Solid Waste generated per day, the following action has been taken:

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Plan and timelines for complete processing of MSW		
Mode	Qty	Targeted Timeline
Waste to Torrefied Charcoal (M/s NTPC VVN)	300 TPD	Consent to establish (CTE) was received in February, 2024. Batching plant has been installed, internal roads are laid, and construction work is under progress. The plant is expected to begin operations in October, 2025.
Bio-CNG (M/s. Akanksha Enterprises)	50 TPD	Contract has been awarded to Highest Royalty quoted bidder, M/s. Akanksha Enterprises on 30 <sup>th</sup> September 2024, Plant commencement is expected in April, 2026. Land has been identified at Astauli.
Waste to Bio-CNG (M/s Ever Enviro)	100 TPD	Land handover process is under approval. As per MOU, Construction period of plant is 18 months from the date of land handover & obtaining Consent to Establish (CTE). Plant is expected to begin operations in February 2026
Bio-CNG (M/s. Reliance Bio Energy)	300 TPD	Contract has been awarded to Highest Royalty quoted bidder, M/s. Reliance Bio Energy on 30 <sup>th</sup> September, 2024. Plant, commencement is expected in April, 2026. Land has already been identified at Astauli.
Bio-CNG	50 TPD	RFP for setting up Cow Dung & other waste to Bio-CNG processing plant floated on 1 <sup>st</sup> October, 2024, Pre-bid meeting held on 7 <sup>th</sup> October 2024. Last date for bid submission on 23 <sup>rd</sup> October, 2024. Bids were opened on 25 <sup>th</sup> October, 2024. Technical evaluation is under progress, which is expected to be completed within November, 2024. Thereafter, Financial



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		bids would be opened. Most likely the contract is expected to be awarded in mid December, 2024.
Total	800 TPD	

8. It is respectfully submitted that the issues relating to MSW, inter-alia, in Greater Noida city was lastly taken up on 18.10.2024 by the Hon'ble Supreme Court when the steps taken so far by the Greater Noida Authority were placed for consideration of the Hon'ble Supreme Court. In view of the urgency regarding air pollution in and around Delhi, the Hon'ble Supreme Court was pleased to take up that issue while the issue of MSW is now expected to be taken by the Hon'ble Supreme Court on 11.11.2024.

9. It is further submitted that the steps, which Greater Noida Authority has already taken so far have been set out in the preceding paragraphs of this reply.

10. It is respectfully submitted that the present reply may be taken as interim reply with the humble prayer that considering the aspect that the Hon'ble Supreme Court is already in seisen with the issue of generation

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and disposal of MSW in the city of Greater Noida, this Hon'ble Tribunal may consider deferring the hearing and / or to await further Order in the matter, which the Hon'ble Supreme Court may be pleased to pass.

Dated 06.11.2024

  
RESPONDENT NO.3

Through

(Advocate for Resp. No. 4)



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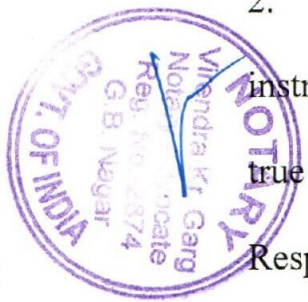
AFFIDAVIT

I, Charan Singh, S/o Late Shri Kalu Ram, aged about 54 years, R/o H. No.37 / Type – III, Staff Colony, Sector Eta - 01, Greater Noida, presently at New Delhi, do hereby solemnly affirm and state as under :

1. That the Deponent is presently posted as Sr. Manager (Health), with the Respondent Authority No.3 and as such acquainted with the facts deposited herein below.

2. I state that the accompanying reply has been drafted under my instructions. I have read the same and state that the contents thereof are true and correct to my knowledge as derived from the records of the Respondent no. 3, Authority.

3. That the Annexures are true copies of their respective originals.



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*[Signature]*

DEPONENT

VERIFICATION:

Verified at New Delhi on \_\_\_\_\_ day of November, 2024 that the factual contents of this Affidavit are true and correct to my knowledge as derived from the records of the case and nothing stated therein is false and nothing material has been concealed there from. The last para is prayer to this Hon'ble Court.

*[Signature]*

DEPONENT

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Virendra Kr. Garg  
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Charan Singh Lokesh Ram  
प्रमाणित करता हूँ कि श्री  
वृत्त श्री..... निवासी PIN-37 et al  
जिनकी पहचान श्री Sell ..... G.B. Noida  
मे की आज दिनांक 6/11/2024  
को प्राप्त/साप मेरे सम्मुख शपथ पत्र  
को सुनकर व समझ उक्त न स्वाकार किय  
मुख *[Signature]*

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ANNEXURE - R-3/1 (13)

ITEM NO.14

COURT NO.7

SECTION PIL-W

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

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: REPORT OF CAQM ON MUNICIPAL SOLID WASTE IN DELHI 1) IA NOS. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL) 2) IA NOS. 109640, 109643 AND 118243/2020 (APPLNS. FOR INTERVENTION, APPEAR AND ARGUE IN PERSON AND DIRECTION) 3) IA D. NO. 88585/2020 AND 16223, 16230, 16235, 16236/2021 (APPEAL AGAINST REGISTRARS ORDER, CONDONATION OF DELAY IN FILING, CONDONATION OF DELAY IN REFILING, DIRECTIONS, PERMISSION TO APPEAR AND ARGUE IN PERSON) 4) IA NOS. 322 AND 765/2022 (APPLNS. FOR INTERVENTION AND DIRECTIONS) 5) IA NOS. 4637 AND 5749/2024 (APPLNS. FOR MODIFICATION AND PERMISSION) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MS. ROOHE HINA DUA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAJIV M. ROY MR. ROHIT ANIL RATHI MS. ISHITA JAIN MR. K. V. MOHAN, MS. NIDHI MOHAN PARASHAR, MR. YOGINDER HANDOO, MR. PRAVEEN SWARUP, ADVOCATES APPLICANT-IN-PERSON ADVOCATE IN PERSON)

Date : 13-05-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

Ms. Aparajita Singh, Sr. Adv. (Amicus Curiae)  
Mr. A.D.N. Rao, Sr. Adv. (Amicus Curiae)  
Mr. Siddhartha chowdhury, Adv. (Amicus Curiae)

For the parties:

Mr. Tushar Mehta, SG  
Mr. Rajeev M. Roy, AOR  
Ms. Prerna Mehta, Adv.



Signature Not Verified

Digitally signed by  
Anita Malhotra  
Date: 2024.05.15  
18:40:59 IST  
Reason: [ ]

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Ms. Aishwarya Bhati, A.S.G.  
 Ms. Archana Pathak Dave, Sr. Adv.  
 Mr. S. Wasim A. Qadri, Sr. Adv.  
 Ms. Baby Devi Bonia, Adv.  
 Ms. Alka Agrawal, Adv.  
 Mr. Anirudh Bhat, Adv.  
 Mr. Prashant Singh, Adv.  
 Ms. Sonali Jain, Adv.  
 Ms. Ruchi Kolhi, Adv.  
 Mr. Ashok Kumar, Adv.  
 Mr. Aditya Kumar, Adv.  
 Mr. Gurmeet Singh Makker, AOR  
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 Mr. Raj Bahadur Yadav, AOR  
 Mr. Mukesh Kumar Maroria, AOR  
 Mr. Kanu Agarawal, Adv.  
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 Mr. Varun Chugh, Adv.  
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 Mr. Ameet Siingh, Adv.  
 Mr. Aniket Raj, Adv.

Mrs. Priya Puri, AOR  
 Mr. Sharad Kumar Puri, Adv.  
 Ms. Smriti Sinha, Adv.  
 Ms. Parul Sharma, Adv.

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Applicant-in-person

Petitioner-in-person

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Mr. Ramesh Babu M. R., AOR

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Mr. Vineet Kumar, Adv.

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Mr. Kuldeep, Adv.

Mr. Sambhav Jain, Adv.

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Mr. Alim Anvar, Adv.

Mr. Ravindra Bana, AOR

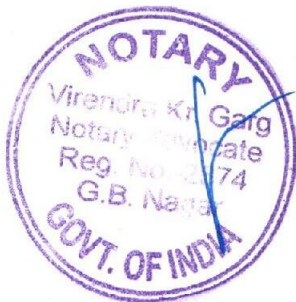
Mr. R. P. Gupta, AOR

Mr. P. Parmeswaran, AOR

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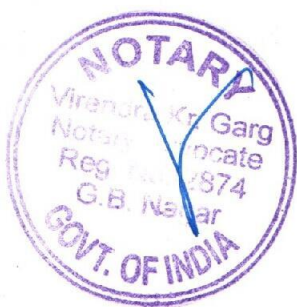
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Mr. Sushil Kumar Singh, AOR  
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 Ms. Nitipriya Kar, Adv.  
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 Mr. Ambuj Ojha, Adv.  
 Mr. Talha Abdul Rahman, AOR



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Mr. Rajiv Yadav, AOR  
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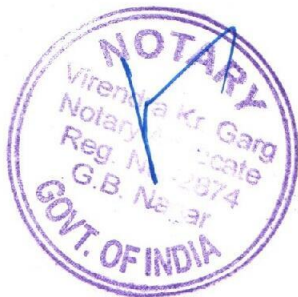
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Mr. Gaurav Kejriwal, AOR

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

IA NO.134634/2018

1. This Application has been filed by the General Insurance Council which refers to an order dated 10<sup>th</sup> August, 2017 passed by this Court on the basis of the EPCA Report No.73. The said order records that 100% compliance shall be ensured by linking annual vehicle insurance with PUC certificates.

2. It is pointed out by the learned Solicitor General appearing for the General Insurance Council that in view of this direction, 55% of the vehicles are not taking third-party insurance. Therefore, in the event of accident, claimants are finding it difficult to get compensation.

3. *Prima facie*, we are of the view that a right balance will have to be struck while ensuring that vehicles remain compliant with PUC norms. But at the same time, all vehicles must have a third-party



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insurance. We permit the learned *Amicus Curiae* and the learned Solicitor General to come out with a solution so that appropriate modification can be made to the order dated 10<sup>th</sup> August, 2017.

4. List on 15<sup>th</sup> July, 2024.

5. We request the learned *Amicus Curiae* and the learned Solicitor General to give suggestions in writing before the next date.

SOLID WASTE DISPOSAL

6. It is an admitted position by all concerned that within the limits of Municipal Corporation of Delhi (MCD) every day there is a generation of 3800 tonnes of solid waste which cannot be treated in the sense that the existing plants do not have the capacity to treat the same. This is a very sorry state of affairs in the capital city of Delhi.

7. Now, we are told across the Bar by the learned senior counsel representing the MCD that only by June, 2027, a facility will come into existence which will be able to deal with excess quantity of 3800 tonnes of solid waste which means that for a period of more than 3 years from now, Delhi will have minimum 3800 tonnes of untreated solid waste accumulating in some place every day. This figure is likely to increase, as noted in the earlier order. This poses a great danger to the environment of the capital city.

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8. There is something more shocking which is brought on record by the affidavit of Mr. Diwakar Kumar Barnwal, Under Secretary, Swachh Bharat Mission (SBM), Ministry of Housing and Urban Affairs of Government of India. We are reproducing what is stated in the affidavit in a tabular form.

Name of the city	Total generation of solid waste (tonnes) ( per day)	Processing capacity (tonnes) (per day)
Gurugram	1200	150
Faridabad	1000	240
Greater Noida Development Authority	350	152

We are not even referring to other issues such as legacy waste, 'C' and 'D' waste etc. Even on these issues the situation is alarming.

9. Considering the development which is taking place in Delhi and in the surrounding area, it is obvious that the generation of solid waste every day is bound to increase and the MCD and the other authorities connected with the aforesaid cities are not in a position to deal with that. Therefore, the immediate measures need to be undertaken to ensure that the generation of untreated solid waste should not increase, till the proper facilities are in place. Therefore, all the authorities will have to consider of adopting various methods to do that including putting restraints on construction activities in the aforesaid areas.

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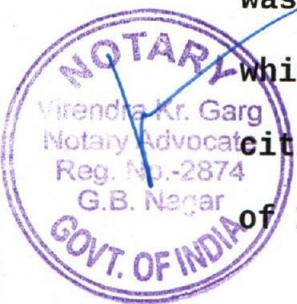
10. We, therefore, direct the Secretary of Ministry of Housing and Urban Affairs, Government of India to convene a meeting of all concerned authorities governing the aforesaid areas to find out a solution and place the same before the Court.

11. In the event, the authorities fail to come out any concrete proposal, we will have to consider of passing a drastic order with a view to take care of the environment in the capital city of Delhi and surrounding areas.

12. A report shall be prepared by the Secretary of the Ministry of Housing and Urban Affairs Department of the Government of India which shall be placed before the Court on or before 19<sup>th</sup> July, 2024.

13. We hope and trust that all the authorities will take the issue with the seriousness it deserves as *prima facie* impression which we gather is that none of the authorities have bothered to consider the drastic consequences of not having adequate capacity to deal with solid waste generated every day.

14. We may add here that generation of untreated solid waste in such huge quantity destroys the environment which directly affects the fundamental rights of the citizens guaranteed under Article 21 of the Constitution of India to live in a pollution free environment.



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15. For considering these aspects, list on 26<sup>th</sup> July, 2024.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER

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ITEM NO.15

COURT NO.6

SECTION PIL-W

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

WRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: SOLID WASTE DISPOSAL AND IA NOS. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL) AND REPORT OF COMMISSION FOR AIR QUALITY MANAGEMENT NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M. K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MS. ROOHE HINA DUA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA MR. RAJIV M. ROY, ADVOCATES)

Date: 26-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mrs. Aparajita Singh, Sr. Adv. (A.C.)  
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Mr. Siddhartha Chowdhury, Adv.  
Ms. Shibani Ghosh, Adv.  
Mr. Aditya Bharat Manubarwala, Adv.

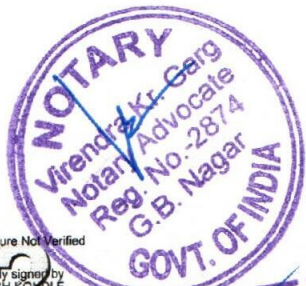
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Mr. Subharanshu Padi, Adv.  
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Ms. Menaka Guruswamy, Sr. Adv.



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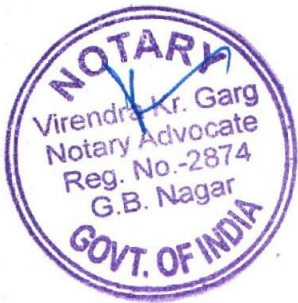
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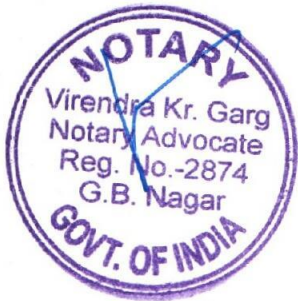
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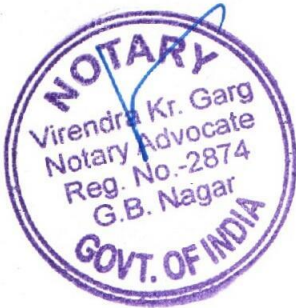
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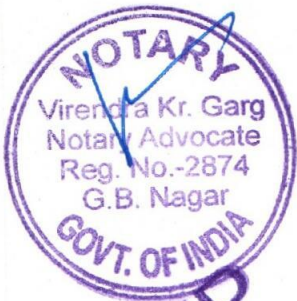
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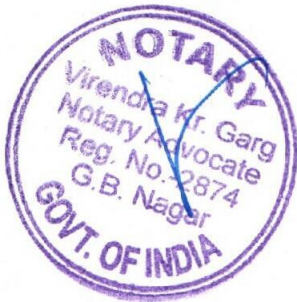
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UPON hearing the counsel the Court made the following

## O R D E R

IN RE: PUC CERTIFICATE

IA NO.134634/2018

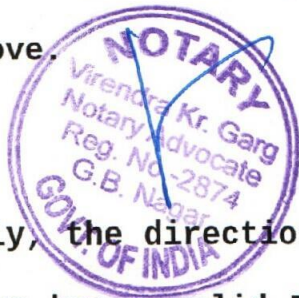
1. We have perused the order dated 10<sup>th</sup> August, 2017. The said order accepts the recommendations submitted by the Environment Pollution (Prevention & Control) Authority (EPCA). Based on the recommendations of the EPCA, the following direction was issued:

"There is now no dispute or disagreement about this. However, it is made clear that the Insurance Companies will not insure a vehicle unless it has a valid PUC Certificate on the date of renewal of the insurance policy.

This should be implemented at the earliest."

2. No provision under the Motor Vehicles Act, 1988, or any other enactment and rules framed thereunder provides that a motor vehicle insurance policy cannot be renewed unless the vehicle has a valid PUC certificate. As rightly submitted by the learned Solicitor General, if the said direction is implemented in its letter and spirit, it will have disastrous consequences. Many vehicles will continue to ply without third-party insurance. Therefore, we are inclined to allow this Application by deleting the direction described above.

3. Obviously, the direction was issued to ensure that every motor vehicle always has a valid PUC certificate. If motor vehicles are allowed to ply on roads without valid PUC certificates, it adds to the existing pollution. Therefore, there has to be some effective



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and practical solution. An attempt was made to find an effective solution, as seen from the Note dated 15<sup>th</sup> July 2024, submitted by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae. The suggestion is based on Report No.99 of the EPCA, which notes the limitations of the PUC tests and has recommended the introduction of remote sensing technology in addition to PUC tests for controlling vehicular pollution. A direction was issued by this Court on 19<sup>th</sup> August 2019 to the Ministry of Road Transport and Highways (MoRTH) as well as the Ministry of Law to take a final decision in the matter and to file a status report. The learned Amicus Curiae submitted that yesterday a report has been filed, which, according to her, is disappointing in the sense that the technology which can be effectively used to control the pollution caused by the vehicles has not appealed to MoRTH. When a body like EPCA had recommended the use of remote sensing technology in addition to PUC tests, MoRTH ought to have taken the suggestion seriously. The learned Solicitor General assures the Court that MoRTH will reconsider the issue. This issue has been hanging fire for the last four years. We are of the view that somewhere a beginning has to be made by commencing the use of remote sensing technology. Therefore, to begin with, it will be appropriate if the use of remote sensing technology can commence in NCR States. MoRTH shall seek the cooperation of the concerned Authorities of the NCR States for this purpose. If MoRTH finds that the concerned Authorities of the NCR States are not cooperating, we permit MoRTH to move this Court so that a notice can be issued to the concerned



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Authorities of the NCR States.

4. We grant MoRTH two months to reconsider its position and make an appropriate decision based on our suggestions above.
5. Needless to add, the Secretary of the Ministry of Road Transport and Highways shall immediately convene a meeting of his counterparts and Secretaries of the concerned Departments of the NCR States. MoRTH shall forward copies of this order to the relevant departments of the NCR States to ensure their full cooperation.
6. This Application stands allowed accordingly.

IN RE: SOLID WASTE MANAGEMENT

1. We have perused the affidavit filed by the Municipal Corporation of Delhi (MCD). We agree with the submission made by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae, that in Delhi, the prevailing situation may lead to a health emergency as the generation of solid waste per day in the capital city is above 11000 metric tonnes and the capacity of the processing plants made available by the MCD is only 8073 metric tonnes per day. Therefore, about 3000 metric tonnes of untreated solid waste is accumulating daily in the capital city, and we are sure this figure will gradually increase with every passing day. In the affidavit filed by the MCD, they have come up with the timelines for setting up additional facilities or for enhancing the capacity of the existing facilities. It is pointed out that



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litigations are pending. We do not see the light at the end of the tunnel as going by the affidavit of the MCD and assuming that the timelines mentioned therein are abided by, there is no possibility of creating required facilities in the capital city even till 2027, which will have the capacity to deal with 11000 metric tonnes of solid waste per day. No guesswork is required to state that by that time, the generation of solid waste will multiply. We agree with the learned Amicus Curiae that this will lead to a public health emergency. This is a sorry state of affairs when it comes to the implementation of the Solid Waste Management Rules, 2016 (for short, "2016 Rules") in the capital city.

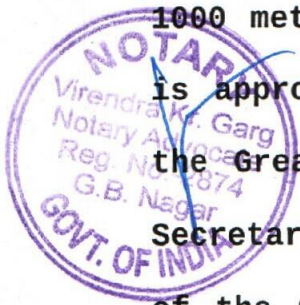
2. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change (MoEFCC) of the Government of India to immediately convene a meeting of all the concerned State Government officials, the Commissioner of the Municipal Corporation of Delhi and its officials for working out an immediate solution to the issue. We direct the Secretary of the MoEFCC of the Government of India to submit a report to this Court about immediate measures required to be taken for ensuring that non-compliance with the 2016 Rules does not create serious health emergency in the capital city of Delhi.

3. Our attention is invited to an affidavit filed on behalf of the Swachh Bharat Mission (SBM), Ministry of Housing and Urban Affairs (MoHUA), Government of India. It is stated that on 10<sup>th</sup> July 2024, the MCD moved the Government of NCT of Delhi to delegate

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financial power to the MCD as per the provisions of Section 202 of the Delhi Municipal Corporation Act, 1957, to approve the rates and agency contracts beyond a sum of Rs.5 crores relating to solid waste management projects. We direct the Government of NCT of Delhi to immediately consider the said proposal dated 10<sup>th</sup> July, 2024 and take an appropriate decision within three weeks from today. The Registry shall forward a copy of this order to the Chief Secretary of the Government of NCT of Delhi. The proposal dated 10th July, 2024 clearly states that it is limited to solid waste management projects. Considering the prevailing situation, if this relief is not granted to the MCD, it will not be able to comply with the 2016 Rules. The Government shall take note of this factual position

4. The situation within the limits of Gurugram, Faridabad and Greater NOIDA is equally bad. For example, the total generation of solid waste in Gurugram is 1200 metric tonnes per day, but the processing capacity of the plants is only of 254 metric tonnes per day. Regarding Faridabad, the total generation of solid waste is 1000 metric tonnes per day, and the processing capacity of plants is approximately of 410 metric tonnes per day. The situation in the Greater NOIDA is slightly better. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change of the Government of India to immediately convene a meeting with the Secretary of the Ministry of Housing and Urban Affairs (MoHUA), the Commissioners of the Municipal Corporations at Gurugram and



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Faridabad, officials of the Greater NOIDA and the Secretaries of the Department of Environment of the State Governments of Haryana and Uttar Pradesh and come out with immediate solutions to deal with the crisis which will lead to public health emergency. The report regarding Delhi and these three areas of Gurugram, Faridabad and Greater NOIDA shall be submitted by the Secretary of the MoEFCC of the Government of India within one month from today.

5. For considering the issue regarding solid waste management, list on 6<sup>th</sup> September, 2024.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

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