

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 & ORS.

Respondent(s)

[TO BE TAKEN UP AT 2:00 P.M.]

IN RE: STRENGTHENING AIR QUALITY MANAGEMENT MONITORING NETWORK ENFORCEMENT VACANCIES IN SPCBS AND IN RE: CONSTRUCTIONS AND ROAD DUST AND IN RE: GRIEVANCE REDRESSAL MECHANISM AND IN RE: SOLID WASTE MANAGEMENT IN RE: COMPLIANCE REPORTED BY THE OTHER ENTITIES 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.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES)

Date : 24-04-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

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

IN RE: STRENGTHENING AIR QUALITY MANAGEMENT, MONITORING NETWORK,
ENFORCEMENT AND VACANCIES IN SPCBS

1. We have heard Ms. Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae on the suggestions for strengthening air quality governance. We have perused paragraph 10 of the Note filed by the learned Amicus Curiae for hearing on 23.04.2024, wherein she has incorporated the issues on which directions of this Court are required. Ms. Aishwarya Bhati, learned ASG, seeks time to respond to the same. We will also hear the NCR States on these directions on 8th May, 2025 at 12:00 noon.

2. The other issue regarding filling-in of the vacant posts in State Pollution Control Boards will be also considered on 8th May, 2025.

IN RE: SOLID WASTE MANAGEMENT AND GRIEVANCE REDRESSAL MECHANISM

3. We have heard the learned Amicus Curiae on the Solid Waste Management Rules, 2016 (for short, "the 2016 Rules"). She has rightly emphasised on achieving the target of 100 per cent segregation of waste within the fixed timelines and 100 per cent collection of solid waste by 31st December, 2025.

4. We clarify that the directions which we propose to issue today will supplement the directions already issued against the Municipal Corporation of Delhi (for short, "the MCD") by our earlier order dated 8th April, 2025 and, therefore, the directions will be in addition to what is already directed.

5. As far as 100 per cent segregation of waste is concerned, we have dealt with the issue while dealing with the compliance by the MCD of the 2016 Rules. As achieving this target is of immense importance, we direct the States of Delhi, Haryana, Rajasthan and Uttar Pradesh as well as the MCD to designate high ranking officers as nodal officers to supervise the compliance activities of achieving 100 per cent segregation of waste. The same nodal officers shall also supervise the target of achieving 100 per cent collection of solid waste. As far as the MCD is concerned, it has laid down the timelines for achieving this target. However, the other NCR States have not done so. Therefore, we direct the states of Delhi, Haryana, Rajasthan and Uttar Pradesh to fix an outer limit for achieving the target of 100 per cent collection of solid waste. The nodal officers dealing with both the issues (100 per cent segregation of waste and 100 per cent collection of solid

waste) shall file regular compliance reports starting from 1st September, 2025. After every quarter, compliance reports shall be filed by the nodal officers in this Court. As and when the compliance reports are filed, the Registrar (Judicial) of this Court shall ensure that the same are placed before the appropriate Bench dealing with the case.

6. For implementation of the 2016 Rules, it is necessary to ensure that the penalties are imposed in case of non-compliances. Unless proper publicity is given to the provisions of the 2016 Rules and the penalties provided therein for non-compliance, the provisions of the 2016 Rules cannot be effectively implemented. Therefore, we direct that the NCR States as well as the MCD to undertake a massive awareness campaign about the provisions of the 2016 Rules. Needless to add that in the awareness campaign, publicity shall be given to the existing grievance redressal mechanism which can be used by the citizens to lodge complaints about the breaches or non-compliances with the 2016 Rules. We direct the NCR States and the MCD to report compliance with the above direction as well as to produce data before the Court regarding the penalties imposed and recovered so far.

7. There is another important issue flagged by the learned Amicus Curiae. She has rightly submitted that the activity of recycling the product from the construction and dust waste must be incentivized. Her submission is that the rate of GST should be reduced to minimum or ideally zero. We direct the Union of India to consider this aspect by placing it before the appropriate authority. We recommend that this activity needs to be

incentivized which will help the cause of environment protection.

8. As regards commissioning of the landfill facilities in MCD area is concerned, at this stage, no further directions are required in view of what was observed in the order dated 8th April, 2025.

9. The other issue which remains as regards the MCD is of formation of the Standing Committee. On this aspect, we propose to issue directions after hearing the concerned parties on 08th May 2025 at 12 noon.

10. On the issue of solid waste management, we may note here that this Court is dealing with the issues which arise at present. Considering the large-scale construction/development projects in the NCR region, the generation of the municipal solid waste is bound to be multiplied and, therefore, all the NCR States must make a realistic assessment of the expected generation of municipal solid waste in the next 25 years so that all the authorities will be in the state of preparedness to deal with the ever-increasing quantum of municipal solid waste generated in the cities. We direct the Governments of the NCR States to file affidavits on or before 1st September, 2025 dealing with the steps taken in this behalf. We make it clear that the affidavits shall give data of all the local authorities falling within the jurisdiction of the respective States which are in the NCR region. As far as these directions are concerned, we direct that all the affidavits shall be filed by the nodal officers who shall be responsible for providing copies to the office of the learned Amicus Curiae as well as the learned counsel appearing for the respective parties.

11. At this stage, we may also note that the learned senior counsel appearing for the Greater NOIDA Industrial Development Authority pointed out that in the affidavit of compliance filed on 4th April, 2025, the Authority has stated that an action is being taken to ensure that by the end of August 2025, legacy waste will be reduced to zero. We hope and trust that this target is achieved by the Authority.

12. As far as the issue of Waste to Energy Plants is concerned, the Central Pollution Control Board by filing an affidavit dated 22nd April, 2025 has sought time of one month to make compliance. We, accordingly, grant time of one month to the Central Pollution Control Board to make compliance from 22nd April, 2025. At this stage, the learned Amicus Curiae has invited our attention to a letter dated 12th February, 2025 addressed by the Member Secretary of the Central Pollution Control Board to the State Pollution Control Boards. She has invited our attention to page 03 of the said letter and has raised concerns about a new category mentioned therein. To enable the learned ASG to seek clarification, this aspect will be considered on 8th May, 2025 at 12:00 noon.

IN RE: CONSTRUCTION AND ROAD DUST

13. As regards the issue of prosecutions concerning violation of the Construction and Demolition Waste Rules of 2016, a compliance report dated 25th March, 2025 has been filed by the Commission for Air Quality Management (for short, "the CAQM"), in which, paragraphs 8 to 10 are relevant. It is stated that the Member Secretaries of the NCR State Pollution Control Boards/DPCC have

been authorised to file prosecutions under the Commission for Air Quality Management in NCR & Adjoining Areas Act, 2021 (for short, "the CAQM") where area of a plot is more than 500 square metre. As regards the plots having an area of less than 500 square metre, by a statutory direction dated 2nd January, 2025, the authorities in the ULBs concerned have been empowered to file prosecutions under the CAQM Act. We direct the CAQM to call for the data of the action taken by the concerned authorities in terms of paragraphs 8 and 9 of the compliance report dated 25th March, 2025 filed by the CAQM. The CAQM shall compile the data up to 31st July 2025 and file an affidavit by 1st September, 2025. While filing the affidavit on 1st September, 2025, the CAQM will give categorised data indicating the number of complaints filed against the private individuals and the number of complaints filed against the Government entities.

14. As regards the compliance with the 2016 Rules, the same will be considered on 8th May, 2025.

IA NOS.194489/2024 (FOR IMPLEADMENT) AND IA NO.194490/2024 (SEEKING PERMISSION FOR REGISTRATION OF FIRE TENDER VEHICLE HAVING BS-IV ENGINE)

15. List on 8th May, 2025 at 12:00 noon.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)