

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

WP No. 2802 of 2004

(ALOK PRATAP SINGH (DECEASED) IN REM Vs THE UNION OF INDIA AND OTHERS )

WP/1993/2004, WP/34550/2024, WP/41965/2024, WP/24394/2025

Dated : 31-07-2025

*Shri Naman Nagrath - Senior Advocate with Shri K.N. Fakhruddin -  
Advocate for the petitioner.*

*Shri Shrikrishna Sharma - Dy. Solicitor General for the respondent  
No.1/Union of India.*

*Shri H.S. Ruprah - Additional Advocate General with Shri Akash  
Malpani - Panel lawyer for the respondent No.2/State.*

*Shri Kishore Shrivastava - Senior Advocate with Ms. Shiraz Patodia,  
Ms. Divya Sharma, Shri Kunal Thakre and Shri Ashish Singh - Advocates  
for the respondent No.4.*

*Shri Vikram Johri - Advocate for the respondent No.3/M.P. Pollution  
Board.*

*Shri Ajay Gupta - Senior Advocate with Shri Rajeev Mishra -  
Advocate for the respondent No.6 through Video Conference.*

*Shri Teerthesh Bharilya - Advocate for the Intervenor (BGIM).*

*Shri Rahul Diwaker - Advocate for the Intervenor. Shri N. D.  
Jayprakash present in person for the Intervenor/Bhopal Gas Peedith  
Sangharsh Sahyog Samiti.*

*Ms. Rachna Dhingra - Petitioner present through Video Conference.*

*Shri Avi Singh Sr. Advocate assisted by Shri Shreyas Dharmadhikari  
and Teerthesh Bharilya - Advocates for the BGIM.*

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Pursuant to last order dated 30.06.2025, an Expert Committee was constituted and directed to appear personally or through their representatives, who are aware of the facts of the case.

In compliance to the said order, Shri V.P. Yadav - Scientist F (CPCB), Smt. Deepti Kapil - Scientist E (CPCB), Dr. M.P. Patil - Chief Scientist (CSIR- NEERI) Nagpur, Er. A.D. Bhandarkar- Chief Scientist (CSIR- NEERI) Nagpur, Er. Jowin Joseph - Senior Scientist (CSIR- NEERI), Nagpur, Shri S.N. Dwivedi - Regional Officer (MPPCB), Indore and Shri Atul Kotiya - Scientist Regional Lab (MPPCB) Indore, have appeared before this Court today.

It is not denied that the ash which is the residue of the incineration process of waste material from the UCIL Factory, is also toxic and cannot be disposed of or exposed to the environment. They have stated that "a-state-of-the-art facility' which is an underground containment of this ash will be built. However, as of now, the same containment facility is 500 meters away from habitation, as stated by the experts, and 50 meters, as stated by the petitioners.

As it is undisputed that the residue from the incineration process is also toxic and needs to be contained for almost 30-40 years, this Court directs the State to expeditiously examine the issue of shifting the containment site from habitation to a place, anywhere in the State, which is in least seismic zone and far away from habitation so that even if there is an accidental leaking/leaching of the residue into the ground water sources, human, animal life and the environment are not affected adversely.

Also, the experts shall file their affidavits based on the analysis report of the Regional Laboratory of the M.P. Pollution Control Board, which has been placed before us, and an affidavit to the effect that if these elements come into contact with water sources resulting in leaching, the same dilutes would be within permissible limits and not harmful.

List the matter on **14.08.2025 on top of the list.**

**(ATUL SREEDHARAN)**  
**JUDGE**

**(ANURADHA SHUKLA)**  
**JUDGE**

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