

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (c). 888 OF 1996

ALMITRA H. PATEL & ANR

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

WITH

SLP(C) No. 22111/2003

AND

CONMT.PET.(C) No. 8/2009 In W.P.(C) No. 888/1996

O R D E R

Heard.

W.P.(C) No.888 of 1996:

This petition filed in public interest as early as in the year 1996 prays for the reliefs that are set out in as many as eleven pages of the petition. It is, therefore, unnecessary to extract the same *in extenso*. Suffice it to say that several orders have been passed by this Court over the past 18 years or so in regard to the prayers made in the writ petition. One significant development that has taken place pursuant to those orders is the framing of the Municipal Solid Wastes (Management and Handling) Rules, 2000 under the Environment (Protection) Act, 1986. The Rules, in turn, came to be framed pursuant to a report submitted by a committee constituted by this Court. With the

framing of the Rules all that remains to be done is an effective enforcement of the said Rules and possible upgradation of technology wherever necessary. Enforcement of the Rules and efforts to upgrade the technology relevant to the handling of solid municipal waste is a perennial challenge and would require constant efforts and monitoring with a view to making the municipal authorities concerned accountable, taking note of dereliction, if any, issuing suitable directions consistent with the said Rules and direction incidental to the purpose underlying the Rules such as upgradation of technology wherever possible. All these matters can, in our opinion, be best left to be handled by the National Green Tribunal established under the National Green Tribunal Act, 2010. The Tribunal, it is common ground, is not only equipped with the necessary expertise to examine and deal with the environment related issues but is also competent to issue in appropriate cases directions considered necessary for enforcing the statutory provisions.

In the circumstances we deem it proper to transfer W.P.(C) No.888 of 1996 to the National Green Tribunal for further proceedings in the matter and for disposal in accordance with law after hearing all concerned. We make it clear that we have expressed no opinion on any of the aspects that have been raised by the petitioner or by those seeking to be added as parties to the case including an application made by the residents of Sukhdev Vihar, New Delhi, who are aggrieved by the construction of an incinerator, next to the residential colony, affecting the quality

life of those residing there. We leave it open to the Tribunal to examine all pending applications and the prayers made in the same including applications for directions wherever the same are prayed for and to pass appropriate orders in accordance with law. Needless to say that anyone of the parties if aggrieved of any order passed by the Tribunal shall be free to seek appropriate redress by way of an appeal in this Court under the provisions of the relevant statute. In case of any difficulty or clarification as to the scope of the proceedings being transferred by this Court, we reserve liberty to the party concerned to seek appropriate clarification from this Court as and when required. With the above observations, we direct transfer of W.P.(C) No.888 of 1996 to National Green Tribunal, Principal Bench, New Delhi. We request the Chairperson of the Tribunal to bestow his attention to the subject which has been pending in this Court for a long time to ensure that a matter of considerable public importance like management of municipal solid waste does not remain neglected any longer.

CONMT.PET.(C) No. 8/2009 In W.P.(C) No. 888/1996 :

In the light of the order passed by us in W.P.(C) No.888 of 1996, we do not propose to continue with these contempt proceedings which are dropped and the contempt petition disposed of.

SLP(C) No. 22111/2003

This special leave petition is delinked from W.P.(C) No.888 of 1996 to be listed separately after four weeks.

.....J
(T.S. THAKUR)

.....J
(R. BANUMATHI)

NEW DELHI
DATED 2nd September, 2014

ITEM NO.1

COURT NO.3

SECTION PIL

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). 888/1996

ALMITRA H. PATEL & ANR

Petitioner(s)

VERSUS

U O I & ORS

Respondent(s)

(With appln.(s) for accepting annexure(s) and C/delay in filing Addl. Affidavit and directions and impleadment and interim relief and intervention and vacating stay and office report)

WITH SLP(C) No. 22111/2003

(With appln.(s) for impleadment as party respondent and appln.(s) for impleadment and Interim Relief and Office Report)

CONMT.PET.(C) No. 8/2009 In W.P.(C) No. 888/1996

(With appln.(s) for directions and Interim Relief and Office Report)

Date : 02/09/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Sr. Sanjeev Sen,Adv. (A.C.)
Mr. Abhisek Roy,Adv.
Mr. Karti Bhatnagar,Adv.
Mrs Manik Karanjawala,Adv.

Mr. Gopal Jain,Adv. (A.C.)

M/s. Lawyer S Knit & Co

Mr. Shivaji M. Jadhav,Adv.

For Respondent(s) Mr. K.S. Radhakrishnan,Sr.Adv.
Mr. S. Wasim A. Qadri,Adv.
Ms. Sadhana Sandhu,Adv.
Ms. Meenakshi Grover,Adv.
Mr. D.S.Mahra,Adv.
Ms. Rekha Pandey,Adv.
Mr. Gaurav Sharma,Adv.
Ms. Sushma Suri,Adv.
Mrs. Anil Katiyar,Adv.

Mr. Shreekant N. Terdal, Adv.

Mr. Anand Grover, Sr. Adv. (Applc.-Sukhdev V.)
Mr. Vikas Kumar, Adv.
Mr. Rakesh Matwa, Adv.

Mr. Vijay Panwani, Adv. (CPCB)
Ms. Kamlesh Vaswani, Adv.

Mr. Ravi P. Mehrotra, Adv. (Uttar Pradesh)
Mr. Abhinav Malik, Adv.
Mr. Vinay Garg, Adv.
Mr. Tanmay Agarwal, Adv.

Mr. Anip Sachtey, Adv. (West Bengal)
Mr. Mohit Paul, Adv.
Mr. Saakaar Sardana, Adv.

Mr. Suryanarayan Singh, AAG (Himachal Pradesh)
Ms. Pragati Neekhara, Adv.

Mr. K.N. Madhusoodhanan, Adv. (Mizoram)
Mr. R. Sathish, Adv.
Mr. Pragyan Sharma, Adv.
Mr. Heshu Kiyana, Adv.
Mr. P. V. Yogeswaran, Adv.

Mr. Sanchar Anand, AAG (Punjab)
Mr. Piyush Hans, Adv.
Mr. Kuldip Singh, Adv.

Mr. Vivekta Singh, Adv. (Haryana)
Ms. Nupur Choudhary, Adv.
Mr. Tarjit Singh Chikkara, Adv.

Mr. Riku Sarma, Adv. (Assam)
Mr. Navnit Kumar, Adv.
For M/s. Corporate Law Group

Mr. Guntur Prabhakar, Adv. (Andhra Pradesh)
Ms. Prerna Singh, Adv.

Mr. P.Venkat Reddy, Adv. (Telangana)
Mr. Sumanth Nookala, Adv.

Mr. Ashutosh Kr. Sharma, Adv. (Uttarakhand)
Ms. Rachana Srivastava, Adv.

Mr. S.S. Shamsbery, AAG (Rajasthan)
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.

Ms. Aruna Mathur, Adv. (Sikkim)

Mr. Gopal Prasad,Adv. (Jharkhand)

Ms. K. Enatoli Sema,Adv. (Nagaland)
Mr. Amit Kumar Singh,Adv.
Mr. Balaji Srinivasan,Adv.

Mr. Gopal Singh,Adv. (Arunachal Pradesh)
Mr. Rituraj Biswas,Adv.

Mr. Sapam Biswajit Meitei,Adv. (Manipur)
Mr. Ashok Kumar Singh,Adv.

Mr. Ranjan Mukherjee,Adv. (Meghalaya)

Mr. V.G. Pragasam,Adv. (Puducherry)
Mr. S.J. Aristotle,Adv.
Mr. Praburama Subramanian,Adv.

Mr. K. V. Jagdishvaran,Adv.
Ms. G. indira,Adv.

Mr. Asha G. Nair,Adv.
Mr. A.P. Mayee,Adv.

Mr. Praveen Swarup,Adv. (MCD)
Ms. Sushma Verma,Adv.
Mr. Suvesh K.,Adv.

Mr. Bijan Kumar Ghosh,Adv. (Calcutta M.Corp.)

Mr. Mukesh Verma,Adv.
Mr. Pawan Kumar Shukla,Adv.
Mr. Yash Pal Dhingra,Adv.

Mr. Gopal Singh,Adv.
Mr. Chandan T.,Adv.

Mr. Jogy Scaria,Adv.

Mr. E.C. Vidyasagar,Adv.
Ms. Jennifer John,Adv.

Mr. M. Yogesh Kanna,Adv.
Ms. Vanita Chandrakant,Adv.

Dr. J. P. Dhanda,Adv.

Dr. S. K. Verma,Adv.

Gp. Capt. Karan Singh Bhati,Adv.

Mr. Abhijit Sengupta,Adv.

Mr. Anil Shrivastav,Adv.

Mr. Anuvrat Sharma,Adv.

Mr. Arvind Kumar Gupta,Adv.

Mr. Ashok K. Srivastava,Adv.

Mr. B. Balaji,Adv.

Mr. D. N. Goburdhan,Adv.

Mr. G. Prakash,Adv.

Mr. H. S. Parihar,Adv.

Mr. Jatin Zaveri,Adv.

Mr. K. B. Rohtagi,Adv.

Mr. Khwairakpam Nobin Singh,Adv.

Mr. M. A. Chinnasamy,Adv.

Mr. Pradeep Misra,Adv.

Mr. Pramod Dayal,Adv.

Mr. Rajesh Srivastava,Adv.

Mr. Rakesh Uttamchandra Upadhyay,Adv.

Mr. Rutwik Panda,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. Shibashish Misra,Adv.

Mr. Shiv Sagar Tiwari,Adv.

Mr. S. Thananjayan,Adv.

Mr. Subramonium Prasad,Adv.

Mr. T. V. George,Adv.

Mr. V. G. Pragasam,Adv.

Ms. Aparna Bhat,Adv.

Ms. A. Subhashini, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Shinoj K. Narayanan, Adv.

Mr. Ranjith K.C., Adv.

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

In terms of the signed order, writ petition is transferred to National Green Tribunal, contempt petition is disposed of and special leave petition is delinked to be listed separately:

W.P.(C) No.888 of 1996:

"...

In the circumstances we deem it proper to transfer W.P.(C) No.888 of 1996 to the National Green Tribunal for further proceedings in the matter and for disposal in accordance with law after hearing all concerned. We make it clear that we have expressed no opinion on any of the aspects that have been raised by the petitioner or by those seeking to be added as parties to the case including an application made by the residents of Sukhdev Vihar, New Delhi, who are aggrieved by the construction of an incinerator, next to the residential colony, affecting the quality life of those residing there. We leave it open to the Tribunal to examine all pending applications and the prayers made in the same including applications for directions wherever the same are prayed for and to pass appropriate orders in accordance with law. Needless to say that anyone of the parties if aggrieved of any order passed by the Tribunal shall be free to seek appropriate redress by way of an appeal in this Court under the provisions of the relevant statute. In case of any difficulty or clarification as to the scope of the proceedings being transferred by this Court, we reserve liberty to the party concerned to seek appropriate clarification from this Court as and when required. With the above observations, we direct transfer of W.P.(C) No.888 of 1996 to National Green Tribunal, Principal Bench, New Delhi. We request the Chairperson of the Tribunal to bestow his attention to the subject which has been pending in this Court for a long time to ensure that a matter of considerable public importance like management of municipal solid waste does not remain neglected any longer."

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SLP(C) No. 22111/2003

This special leave petition is delinked from W.P.(C) No.888 of 1996 to be listed separately after four weeks."

(Mahabir Singh)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)