

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & 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.

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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 10th 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

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 10th August, 2017.

4. List on 15th 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.

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.

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 19th 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.

15. For considering these aspects, list on 26th July, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER