

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

M.A. No. 1302/2018
IN
Interlocutory Application No. 63
in W.P. (C) No. 657/1995

The Research Foundation for Science,
Technology and Natural Resource Policy

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 05.12.2018

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Sanjay Parikh, Mr. Ritwik Parikh and Ms. Sanjana Srikumar, Advocates

For Respondents (s): Mr. Pradeep Misra, Advocate for UPPCB
Mr. Mukesh Verma, Advocate for MPCB and UEPPCB

ORDER

1. Vide the order dated 30.07.2018 in *Original Application No. 804/2017, Rajiv Naryana & Anr. Vs. Union of India & Ors.*, this Tribunal directed Central Pollution Control Board (CPCB) to constitute a Monitoring Committee with a view to ensure compliance of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
2. Accordingly, the CPCB constituted a Monitoring Committee vide order dated 09.08.2018 headed by Dr. Ajay A. Deshpande, former Expert Member, National Green Tribunal and comprising six other experts on the subject viz.
 - i. Dr. A. N. Vaidya, Chief Scientist & Head, Solid and Hazardous Waste Management Division, National

Environmental Engineering Research Institute (NEERI),
Nagpur – Member

- ii. Dr. D. C. Sharma, Prof. Department of Civil Engineering,
Raja Rajeswari Group of Institutions (Former Additional
Director, CPCB) Bangaluru – Member
- iii. Dr. A. Manoharan, Former Senior Scientist, CPCB,
Chennai – Member
- iv. Member Secretary, Gujarat Pollution Control Board –
Member
- v. Dr. Sonu Singh, Sc D., HSM Division, MoEF&CC – Member
- vi. Sh. Bharat K Sharma, Scientist 'E', WM-II Division and
Nodal Officer, CPCB, Delhi – Member Convenor.

3. The Committee has held several meetings, conducted field visits,
interacted with all the State Pollution Control Boards and
Committees and interacted with the TSDF operators.
4. The Committee has sought time and has been granted further
time to complete its work.
5. The present matter has been received by transfer from the
Hon'ble Supreme Court of India, after judgment reported in
(2012) 7 SCC 769, directing ban on import of all hazardous/toxic
wastes. This was sequel to the earlier judgment in (2005) 10 SCC
510. The applicant sought further direction for implementation of
the judgment dated 06.07.2012 which aspect was transferred to
this Tribunal.
6. We direct that the issue of implementation of judgement of the
Hon'ble Supreme Court dated 06.07.2012, referred to above may
also be considered by the Monitoring Committee. It will be open
to the applicant to furnish any further documents to the
Chairman of the Monitoring Committee through CPCB. The
CPCB will be at liberty to consider involving any other expert on
the subject.

7. Though learned counsel has handed over a list of documents which should be forwarded to the monitoring committee, instead of Tribunal considering the said list, the applicant is at liberty to furnish the same for consideration by the CPCB.
8. The Monitoring Committee will be at liberty to take further time, if necessary for completing its assigned job. Needless to say that the suggestion of remediation of contaminated sites, capacities of the landfill sites, issue of leachate, cleaner technology, sign boards etc. may also be examined by the Committee.
9. The Committee will also be at liberty to give interim report through CPCB to deal with the urgent issues.
10. The CPCB will be at liberty to take appropriate steps with regard to the remediation of contaminated sites or other urgent issues from time to time.
11. List again on 04.04.2019 to consider the report of the Committee.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 05, 2018
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