

WP 2802/04

12.7.2011

The Union of India has submitted an affidavit of the Director DRDE Gwalior with regard to disposal of toxic waste at its Nagpur Plant wherein it is mentioned that the incinerating capacity of Nagpur Plant is half to one metric ton per day.

The State Govt. has stated that it had submitted the plan of packing and transporting of the toxic waste by road from Bhopal to Nagpur, to the M.P. Pollution Control Board which has given its no-objection saying that this kind of transport with such packing as stated by the State Govt. will not cause any pollution hazard during such transport.

Along with hearing the learned counsel for the petitioner, the Union of India, the State Govt., we have also asked the learned counsel for the respondent no. 4 i.e. M/s Dow Chemicals as to whether the said respondent has any suggestion for a more economical way of disposal of the toxic waste, so that if ultimately Dow Chemicals is found liable to reimburse the expenditure incurred by the Central Govt. as well as by the State Govt. for such disposal, then the liability of Dow Chemicals could be kept at the minimum.

Learned counsel for the respondent no.4 has submitted on instructions that they do not have any better alternative, because the respondent no. 4 does not have any business presence in this country.

In the circumstances, the State Govt. is directed to start packing and transporting of the toxic waste within

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ten days from today. The transport will be done in such a manner so that at least one metric ton toxic waste may reach the Nagpur site per day.

Regarding the submission made by learned counsel for the State that tender process will have to be gone through for such packing and transporting, which will require minimum 45 days, we grant the State Government 60 days time from today for completing such process. However, during the period till such process is completed, the State Govt. will start packing and transporting of toxic waste on *ad-hoc* basis without any tendering process, because the larger public interest requires that tendering process should not hold up disposal of toxic waste any further.

The Director DRDE will also issue instructions to the DRDO Nagpur to remain ready for taking delivery of the transported material, its safe keeping and its disposal at the quickest possible pace.

For monitoring purposes, a status report about the compliance of this order will be submitted by the DRDO as well as by the State Govt. to this Court on 28th of July 2011, when this case will be listed again.

C.C. as per rules.

(Sushil Tripathi)
Judge

(Umesh Maheshwari)
Judge