

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

Dated : 27-03-2025

Shri Naman Nagrath, Senior Advocate with Shri K.N. Fakhruddin,
Advocate for petitioners.

Shri Sachin Jain - for respondent No.1/Union of India.

Shri H.S. Ruprah, Additional Advocate General and Dr. S.S. Chouhan,
Government Advocate for the respondents/State.

Shri Ravindra Shrivastava, Shri Siddharth Luthra and Shri Kishore
Shrivastava - Senior Advocates with Ms. Shiraz Patodia, Ms. Divya Shrama,
Ms. Juhi Chawla, Shri Kunal Thakre, Shri Ashish Singh Shri Y.M. Tiwari
and Shri Ayush Agrawal - Advocates for respondent No.4.Shri Vikram Johri
- Advocate for respondent- M.P. Pollution Board.

Shri Rajeev Mishra - Advocates for respondent No.6.

Shri Abhinav Dhandodkar - Advocate for the petitioner in Writ
Petition No.41965/2024.

Shri Rajeev Mishra, Shri S.K. Verma and Ms. Shakshi Pawar,
Advocates for respondent No. 7.

Shri N. D. Jayprakash appears in person for Intervenor/Bhopal Gas
Peedith Sangharsh Sahyog Samiti.

Ms. Rachna Dhingra - petitioner appears in person.(VC)

Shri Avi Singh, Senior Advocate with Shri Shreyas Dharmadhikari
and Shri Kirti Raj - Advocates for BGIA.

Shri Sunil Kumar Jain - Senior Advocate with Shri Rishi Paliwal,

Advocate for intervenor.

Shri Hitendra Tripathi and Shri Pratyush Mishra Advocates for intervenor.

Shri Rahul Diwaker - Advocate for the intervenor.

Shri Manish Gupta - Advocate for intervenor.

Intervenor has filed rejoinder which is document No.2787/2025 and also handed over the additional submission today in the Court.

Pursuant to the order dated 18.02.2025, the respondent/State has filed its affidavit/Status report. The relevant paras are reproduced below;-

"10. That during all 3 trial runs of waste feeding rates of 135 kg/hr, 180 kg/hr and 270 kg/hr emissions from stacks as per analysis reports were found to be well within the prescribed standard. The consumption of fuel, water and chemical and the residue/ash generation has been found to be minimum in the third trial run at the feed of 270 kg/hr and it has been recommended that feed rate of 270 kg/hr be adopted for incineration of the remaining waste. That a detailed report has been prepared by the Central Pollution Board and the M.P. Pollution Control Board.

11. That in light of the above mentioned submission it has come out that in the trial runs that the incineration of the toxic wastes can be safely done at the facility identified at Pithampur. The facility at Pithampur fulfills the norms of the Hazardous Waste Management Rules, 2007. It has also been identified that the optimum feed rate of 270 kg/hr be adopted for the incineration of the toxic waste. That if the waste is disposed at the feed rate of 270 Kg per hour, it is estimated that the entire waste shall be incinerated within a period of 72 days under the supervision of Central Pollution Control Board and State Pollution Control Board."

In addition to above, the respondent/State shall take into consideration to the rejoinder as well as additional submission produced today and I.A. No.15/2025 filed by intervenor.

It has been identified that the optimum feed rate of 270 kg/hr be

adopted for the incineration of the toxic waste and that if the waste is disposed at the feed rate of 270 Kg per hour, it is estimated that the entire waste shall be incinerated within a period of 72 days under the supervision of technical expertise of Central Pollution Control Board and State Pollution Control Board.

In view of above, needful be done within the above mentioned time.

List on 30.06.2025.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

Praveen