

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Original Application No. 21/2013 (CZ)**

**Dr. Alankrita Mehra Vs. Union of India & Nine Ors.**

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Vivek Choudhary, Adv.  
Intervener : Shri Dharamvir Sharma, Adv.  
Respondent No. 5: Shri G.S. Saluja, C.E., BMC  
Respondent No. 6: Dr. P.S. Bundela, RO, MPPCB  
State of M.P. : Dr. Pankaj Shukla, CM & HO, Bhopal**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1 1<sup>st</sup> July, 2014</b>	<p style="text-align: center;"><b><u>M.A. Nos. 300 to 304 of 2014</u></b></p> <p>Heard learned counsel for the parties and perused the record.</p> <p>Service of notice of these applications is waived. Learned counsel appearing on behalf of the Petitioner submits that the decision to extend 'No Construction Zone' within 300 mtrs. from Full Tank Level (FTL) of the upper lake has not been taken by the State and the recommendations of CEPT to extend such 'No Construction Zone' to 300 mtrs. have not yet been accepted by the State Government; and, therefore, allowing the interveners to intervene in the present lis is premature. Beyond these submissions, the Petitioner does not intend to rejoin anything to these applications.</p> <p>None has appeared today on behalf of the State Government. However, there is an application for taking certain documents on record M.A. No. 305/2014 purportedly moved on behalf of the Respondent Nos. 1 and 2 by learned counsel Shri Sachin K. Verma.</p>

The record reveals that learned counsel Shri Sachin K. Verma represents Respondent Nos. 3 and 4 i.e. the State of M.P. and Urban Administration & Development Department of the State. Obviously, this application has been incorrectly shown as being moved on behalf of the Respondent Nos. 1 and 2 which should be on behalf of the Respondent Nos. 3 and 4.

This application makes certain revelations about the meeting dated 3<sup>rd</sup> May, 2014 convened by the Principal Secretary to the Government of Madhya Pradesh. It is revealed that CEPT an expert body appointed to study the environment of the upper lake and make suitable recommendations for the development around it, has not submitted any report regarding 'No Construction Zone' within 300 mtrs. from the shore line of the lake. However, the interveners, who claim to have lands lying within 300 mtrs. of the Full Tank Level (FTL) of the upper lake submit that the present 'No Construction Zone' of 50 mtrs. from the FTL of the upper lake, if increased, shall have direct effect on their rights to the lands in question and thereby they are likely to be directly affected by the final decision in the present matter.

It is true that 'No Construction Zone' has not yet been extended beyond 50 mtrs. However, there is a mention in the order dated 24<sup>th</sup> April, 2014 of the CEPT's interim report which has proposed the 'No Construction Zone' of 300 mtrs., and this Tribunal's view on the premise that subsequent decision if taken by the authorities based on the final report of the CEPT to extend no construction zone to 300 mtrs. of FTL and the construction being permitted on such zone of 300 mtrs during interregnum, would frustrate the entire exercise of protecting the environment

around the upper lake making it redundant. This Tribunal, therefore, directed the authorities i.e. Bhopal Municipal Corporation and Department of Urban Administration and Development and Directorate of Town & Country Planning to ensure that no construction should be permitted to be continued within 300 mtrs zone of the FTL of the upper lake.

Learned counsel for the Petitioner submits that their right to question the decision of the authorities not to extend no construction zone beyond 50 mtrs. of the FTL of the upper lake would survive in the present petition.

This would make it necessary to give hearing to the interveners for just and complete final decision in the present case.

Thus, the present applications are allowed and accordingly stand disposed of.

**M.A. Nos. 305 and 306/2014**

These applications have been filed by the State of M.P. for taking certain documents concerning compliance of the order dated 24.04.2014 on record.

These applications are allowed and the documents as prayed for are taken on record.

These applications stand disposed of.

**Original Application No. 21/2013**

Today the Respondent No. 6/Madhya Pradesh Pollution Control Board has tendered a reply revealing the steps taken by them in compliance of the order dated 24<sup>th</sup> April, 2014 of this Tribunal. The Regional Officer, Bhopal of the MPPCB, who is

present before us, submits that the inspections conducted by the Regional Officer of the MPPCB reveal that there are 318 hospitals or health care facilities within the limits of the Bhopal Municipal Corporation out of which 251 hospitals or health care facilities were found complying with the Biomedical Waste Rules and others were found either partially complying or running without any valid authorization. He further submits that work of issuing notices to the violating hospitals and nursing homes would be undertaken and the process of taking lawful action against such erring units shall be completed within one month.

We feel that it would have been much better if the action was initiated simultaneously with the process of inspection. However it is brought to our notice that paucity of hands has resulted in the delay in issuing notices to the violating hospitals and nursing homes.

In the interest of justice, we grant one more month to the MPPCB to complete the action needed in the present case without commenting on the reasons given for delay.

The issue of Biomedical Waste disposal cropped up in the present lis as a result of newspaper reporting that the waste was being indiscriminately disposed of into the upper lake either through the public sewer lines or in the form of municipal solid waste. In this regard, it is pointed out that the Biomedical Waste was not being properly segregated as per the rules by the hospitals or health care units at the source of their generation. The Regional Officer of MPPCB submits that they would be taking stern action against all those violating hospitals or health care units to ensure

that no biomedical waste ends up either in the public sewer lines without any treatment or in the form of municipal solid waste.

Believing his words, we grant the time solicited by the MPPCB.

Our attention is drawn to the non-compliance of the order dated 24<sup>th</sup> April, 2014 which requires the production of copies of the newspaper reports in reference to the publications made by the District Collector, Bhopal. We hope that this compliance is made within a short time. Today, due to general boycott of Courts, declared by the Advocates, none is present on behalf of the State. Considering the situation, we grant a week's time for the necessary compliance with a caveat that failure to do so shall entail appropriate consequences which the administration may note.

Shri G.S. Saluja, City Engineer, Bhopal Municipal Corporation submits that the DPR prepared by the consultant Voyants Solution Pvt. Ltd is yet to be finalized in consultation with the CEPT and a month's time would be required to reach the final conclusion. In the interest of justice, time as prayed for, is granted.

List this matter for further hearing on **5<sup>th</sup> August, 2014.**

.....,JM  
**(U.D. SALVI)**

.....,EM  
**(P.S.RAO)**