

Court No.1

Original Application No.21/2022/EZ

Applicant(s)

Respondent(s)

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Respondent(s):

1. Ms. Vaishali Sharma, learned Counsel holding brief of Mr. Nityanand Mahato, learned Counsel for the Applicant.
2. This Original Application has been filed by the Applicant with the prayer that directions be issued to SEIAA/MoEF&CC to consider its application for grant of Environmental Clearance (EC) and also to allow the applicant to continue working of the Common Bio-medical Waste Management Treatment Facility, Pakur Site (Santhal Division).
3. In the synopsis of the case, it is stated that the applicant has established a Common Bio-medical Waste Management Treatment Facility, Pakur (Santhal Division) and all its construction has been monitored and approved by the State Advisory Committee (SAC).
4. It is also stated that Applicant has also applied for issuance of NOC & CO Certificate to Circle Officer and issuance of NOC & DFO Certificate to the Department of Environment, Forests and Climate Change for the proposed sites.
5. There is no averment in paragraphs 4 of the Original Application under the heading 'Facts of the Case' that the applicant has already established and started operating his Bio-Medical Waste Treatment Facility, Pakur (Santhal Division) but in Ground-M there is an averment to that effect.

6. The Relief No.3 claimed in the Original Application also indicates that the Applicant had already started his operations of Common Bio-Medical Waste Treatment Facility without there being any Environmental Clearance or Consent to Operate. Among the documents appended to the Original Application is a note mentioning the Minutes of Meeting of State Advisory Committee (SAC) (page No. 130 of the paper book) in which Mr. Kamlesh Pandey, Member Secretary, SEIAA and one Mr. R.L. Bakshi, Member Secretary, Jharkhand State Pollution Control Board who attended the meeting are Members. In this Minutes of The Meeting, it has only been recorded that the Agency has informed that they have obtained the Consent to Establish (CTE) from Jharkhand State Pollution Control Board and have applied for Consent to Operate (CTO) for Adityapur Common Treatment Facility (CTF) Site. Question is that if the Environmental Clearance (EC) has not been granted by the SEIAA, Jharkhand and Consent to Operate (CTO) also has not been granted by the Jharkahnd State Pollution Control Board how has the Applicant established the Common Treatment Facility and also operating the same. In the original application, it has not been stated anywhere by the Applicant as to when he started his operations of Common Treatment Facility Management Plant.
7. The matter requires consideration. Issue notice to the Respondent Nos.1, 3 & 4, returnable within three weeks.
8. Mr. Surendra Kumar, learned Counsel who is present in the Court is directed to take notice on behalf of the Respondent No.4, Jharkhand State Pollution Control Board and file counter-affidavit within three weeks.
9. Mr. Ashok Prasad, learned Counsel who is present in the Court is directed to take notice on behalf of the Respondent No.3, SEIAA, Jharkhand and file counter-affidavit within three weeks.

- 10. Ms. Aishwarya Rajyashree, learned Counsel who is present in the Court is directed to take notice on behalf of the Respondent No.1 and file counter-affidavit within three weeks.
- 11. We are not issuing any notice to the Respondent No.2 at this stage till a reply is filed by Respondent No.3, SEIAA, Jharkhand.
- 12. **List on 26.04.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

March 14, 2022
Original Application No.21/2022/EZ
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