

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 85/2023(WZ)

Dr. Shriniwas S. Valunjkar.

.....Applicant

Versus

MoEF &CC & Ors.

....Respondent(s)

Date of hearing: 31.05.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant-in-person

Respondents : Ms. Pooja Natu H/f Ms. Manasi Joshi, Advocate for R-3/MPCB

ORDER

1. The present Application has been filed with the following prayers:

“ A The records of the existing CHW-TSDF should be called from concerned authorities like MIDC, MoEFCC, CPCB, and MPCB regarding the grounds on which the permission was given to them for establishing the CHW-TSDF and the Agreement with MIDC and other government Authorities.

B The No Development Zone or Buffer Zone requirement as specified by regulatory authorities, in cases of each HWM_TSDF, BMW-TSDF, CETP, MSWDF, City STP, Chemical Industrial Area/Zone, Refinery, Incineration facility, etc. and areas for industry, operation, process or activity or project has to be provided within their own areas, at the cost of polluters or operators for purchase, development of green belt, safety and security of it and preventing any encroachment, etc. based on ‘polluter pays principle’ ‘precautionary principle’ and ‘principle of absolute and strict liability’.

C. The No Development Zone and Buffer Zone even inside the potentially Hazardous Sites will have to be Notified by the Urban Development Department and inspected by the

statutory authorities while enforcing the conditions of the 'Environmental Clearance' and 'Consent to Establish' and 'Consent to Operate.

D. To study of assessment of environmental damage already done by these industry clusters, operations, processes or activities, or projects around them and compel them to create Buffer Zones as may be necessary.

E. The cost of the acquisition, maintenance, and security of the land for NDZ or BZ to be borne and paid by the industries and/ or CHW-TSDF or as directed by the Hon'ble Tribunal as and by way of relief, compensation and restitution as per 'polluter pays principle' and 'precautionary principle' and the 'principle of strict and absolute responsibility.

F. Any other order as deemed fit."

2. During the argument, the applicant, who has appeared in person, states that there is ambiguity / grey area in Hazardous Waste (Management & Handling) Rules, 1989 and also it is stated that the set of guidelines on the criteria for Hazardous Waste Landfills for the use of industries is necessary to be provided.

3. We find that the prayers are absolutely vague. An interpretation of law is required in particular set of facts of a case. No specific facts have been placed before us which require such kind of interpretation. Therefore, in view of this, prayers in this application are very vague and the O. A. also lacks facts.

4. In this backdrop, the Applicant, who is appearing in person, seeks permission to withdraw this application with liberty to file fresh one. We accordingly reject the application as not pressed with liberty to file fresh.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM