

IN THE SUPREME COURT OF INDIA
SPECIAL LEAVE PETITION (C) DY. NO. 23708 OF 2017

Maharashtra Chamber of Housing Industry ...Petitioner
Versus
Municipal Corporation of Greater Mumbai & Ors. ...Respondents

NOTE ON INTERIM ORDER

1. The instant dispute is in relation to MSW (Municipal Solid Wastes) being dumped at Deonar and/or Mulund dumping grounds in the city of Mumbai.
2. The MSW (Management and Handling Rules), 2000 have now been superseded by Solid Waste Management Rules, 2016.
3. As regards C&D Waste (Construction & Demolition Waste), the same are governed by independent set of rules i.e. Construction and Demolition Waste Management Rules, 2016.
4. Respondent No.1 Corporation has from time to time been issuing IOD (Intimation of Disapproval) with a specific condition that a debris management plan is to be submitted to the Solid Waste Management Department of Respondent No.1 Corporation (see page 137 @ 146).
5. The Waste / Debris Management Plan approved by the Solid Waste Management Department of Respondent No.1 Corporation *inter alia* mandates that the demolition / construction debris shall be transported to various unloading / land filling sites, which are outside the municipal limit of the city of Mumbai (eg:- Sector-25, 25A of Vahal, Ulwe Node, Navi Mumbai and CTS No. Survey No. 153 to 160 village of Mouje Sasunavghar, Mumbai - Ahmedabad Highway, Taluka Vasai, District Thane).
6. The Impugned Orders confuse the two concepts of i.e. MSW and C&D Waste and assumes MSW to be inclusive of C&D Waste.
7. In view of the above, considering that the development in entire suburban region of Mumbai is at a standstill and the High Court has attempted to takeover the statutory powers to be discharged by Respondent No.1 Corporation since 01.03.2016, the following workable solution is proposed:-

Pending the hearing and disposal of the Petition, Respondent No.1 / Corporation / State Government is permitted to grant permission / IOD after taking an undertaking from all the respective applicants to the effect that:-

- a. the construction and demolition waste is disposed off as per the Waste Management Plan at the land filling sites [eg:- Sector-25, 25A of Vahal, Ulwe Node, Navi Mumbai and CTS No. Survey No. 153 to 160 village of Mouje Sasunavghar, Mumbai - Ahmedabad Highway, Taluka Vasai, District Thane]; and
- b. in case of any wet solid waste, the same shall be disposed off on the construction site itself and in case of any dry solid waste, the same shall be disposed off in a manner that the same is not dumped at Deonar and/or Mulund Dumping grounds.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.(s)..../2017
Diary No(s). 23708/2017
(Arising out of impugned final judgment and order dated
26-02-2016 and 29-02-2016 in CA No. 221/2013 in PIL No
217/2009, 04-05-2017 in RP No. 3720/2017 in CA 221/20913 passed
by the High Court Of Judicature At Bombay)

MAHARASHTRA CHAMBER OF HOUSING INDUSTRY

Petitioner(s)

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI & ORS. Respondent(s)

(With Appln.(s) for condonation of delay in filing SLPs.
exemption from filing c/c of the impugned judgment, permission
to file lengthy list of dates)

Date : 25-08-2017 These petitions were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Shyam Diwan, Sr. Adv.
Mr. Nikhil Rohatgi, Adv.
Mr. Shashank Khurana, Adv.
Mr. Mohit Khubchandani, Adv.
Mr. Kunal Vajani, Adv.
Ms. Padmashree, Adv.
Mr. Shubham Srivastava, Adv.
Mr. Priyanshu Bhatnagar, Adv.
Ms. Pranaya Goyal, AOR

For Respondent(s) Mr. Ranjit Kumar, S.G.
Mr. Ashish Wad, Adv.
Mr. P.V. Naik, Adv.
Mrs. Jayashree, Adv.
Ms. Paromita Majumdar, Adv.
Ms. Sukriti Jaggi, Adv.
M/s. J S Wad And Co, AOR

UPON hearing the counsel the Court made the following
O R D E R

List the matters on 13.10.2017.

[Charanjeet Kaur]
A.R.-cum-P.S.

[H.S. Parasher]
Asstt. Registrar