IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ROHIT ARYA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 28317 of 2023

BETWEEN:-

M/S. DEVIS SURGICO THROUGH PARTNER SHRI SANJAY SANODE, HAVING OFFICE AT 3, GIRRAJ MARKET, LOHIYA BAZAAR RD. NAYA BAZAAR, LASHKAR, GWALIOR (MADHYA PRADESH) 474009

.....PETITIONER

(SHRI YADVENDRA MICHAEL YADAV - ADVOCATE FOR THE PETITIONER)

AND

1. **UNION OF INDIA, MINISTRY OF ENVIRONMENT FOREST AND CLIMATE EXCHANGE, THROUGH ITS SECRETARY, INDIRA PARYAVARAN BHAWAN, JORBAGH ROAD, NEW DELHI - 110003**

2. **MADHYA PRADESH POLLUTION CONTROL B O A R D THROUGH MEMBER SECRETARY PARYAVARAN PARISAR, E-5, ARERA COLONY, BHOPAL - 462016**

3. **M/S JRR WASTE MANAGEMENT PRIVATE L I M I T E D , THROUGH ITS AUTHORIZED REPRESENTATIVE, HAVING OFFICE AT:: PLOT NO. 22-23GAA, MALANPUR - GHIRONGHI, GOHAD, DISTRICT BHIND- 477117 (MADHYA PRADESH)**

4. **M/S VNS SOLUTIONS, THROUGH ITS AUTHORIZED REPRESENTATIVE, HAVING OFFICE AT - PLOT NO. 16 GAA, MALANPUR- GHIRONGHI INDUSTRIAL AREA, BHIND 477117**

.....RESPONDENTS

(SHRI PRAVEEN NEWASKAR - DEPUTY SOLICITOR GENERAL FOR RESPONDENT/UNION OF INDIA)

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Signed by: PAWAN DHARKAR
Signing time: 2/3/2024 1:45:30 PM

This petition coming on for admission this day, ***Justice Rohit Arya*** *passed the following:*

ORDER

Petitioner, operator of Common Biomedical Waste Treatment Facility, is having consent to operate in three districts viz. Gwalior, Sheopur and Datia.

2. Undisputedly, the Central Government has framed "Bio-Medical Waste Management Rules, 2016" superseding the earlier Rules i.e. "Bio-Medical Waste (Management and Handling) Rules, 1998", published in the gazette vide Notification No.S.O. 630(E) dated 20.07.1998 through Ministry of Environment and Forests. These rules are framed for regulating the frame work for management of bio-medical waste generated in the country. These rules are undisputedly applicable to the dispute raised in this writ petition.

3. Learned counsel for the petitioner submits that to the detriment of the petitioner, the jurisdiction of Sheopur and Datia has been given to respondent No.4 without notice and opportunity of hearing to the petitioner. He apprehends that the same recourse may be taken in case of Gwalior as well and therefore, prays that concerned respondents may be directed to afford an opportunity to the petitioner before the said vulnerable act.

4. Rule 10 of 2016 Rules contemplates procedure for authorization and Rule 16 of 2016 Rules provides for appeal.

5. In our opinion, Rule 16 provides for that an appeal shall cover any impugned action detrimental to the rights, interests and claim of the petitioner taken by the prescribed authority. Therefore, if so advised, petitioner may prefer an appeal against the grievance relating to Sheopur and Datia. As regards, grievance related to Gwalior district, it is a mere apprehension as so far no order has been passed to the prejudice of the petitioner.

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Before parting with the case, it may be observed that petitioner is always free to approach the prescribed authority.

6. With the aforesaid, present writ petition stands ***disposed of***.

It is made clear that this Court has not expressed any opinion on the merits of the case.

(ROHIT ARYA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

pd

Signature Not Verified
Signed by: PAWAN DHARKAR
Signing time: 2/3/2024 1:45:30 PM