



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**946 WRIT PETITION NO. 10946 OF 2025
WITH CIVIL APPLICATION NO. 10402 OF 2025**

**M/S BIOTIC WASTE LTD THROUGH ITS DIRECTOR
VISHESH GAUR PHOOLKUMAR GAUR
VERSUS
UNION OF INDIA THROUGH SECRETARY AND OTHERS**

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Advocate for the Petitioner : Mr. D.P Palodkar h/f.
Shubham S. Khoche & Shantanu Rai
AGP for Respondents/State/State : Ms. Neha Kamble
Advocate for Resp. No.1 & 9 : Mr. A.G. Talhar
Advocate for Resp. No.6 : Mr. A.P Bhandari

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**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.
DATE : 24th September, 2025**

PC. :-

1. In this petition on 09.09.2025, this Court issued notice returnable on 30.09.2025.
2. In the light of development that took place after notice was issued, in the form of environmental clearance being granted to Respondent No.8 for a proposed project for bio medical waste treatment and disposal, the Petitioner filed Civil Application No.10402/2025 seeking amendment of the writ petition. Apart from seeking to add pleadings and grounds, the Petitioner seeks to add further prayer clauses in order to pray for setting

aside of the said document granting environmental clearance to Respondent No.8 and for seeking interim stay to the effect of the said document.

3. The learned counsel for the Petitioner mentioned the civil application along with writ petition for listing prior to the returnable date, in the light of urgency in the matter. Accordingly, circulation was granted and in this backdrop the writ petition along with civil application is listed today for consideration. We are further informed that the Petitioner informed the Respondent No.8 through e-mail about listing of the writ petition along with the civil application today. The e-mail appears to have been sent on the official e-mail ID of Respondent No.8. There is no representation on behalf of Respondent No.8.

4. Heard learned counsel for the Petitioner as also the learned counsel appearing for some of the Respondents. It is to be noted that Respondent No.8 has chosen not to appear before this Court despite service of notice through e-mail about listing of the civil application and writ petition today.

5. The learned counsel for the Petitioner is pressing for urgent interim relief, in the light of fact that by the impugned communication dated 20.07.2024 issued by the Respondent No.3/ Maharashtra Pollution Control Board (MPCB) "a consent to establish" (CTE) has been issued in favour of

Respondent No.8 for the purposes of establishing a bio medical waste treatment and disposal facility. It is further brought to our notice that during the pendency of the present petition and after the order dated 09.09.2025 was passed issuing notice in the present petition, on 13.09.2025 the Respondent No.4 i.e. the State Environment Impact Assessment Authority has issued environmental clearance, thereby clearing the decks for issuing a consent to operate such a treatment facility in favour of Respondent No.8.

6. It is submitted that the Petitioner is seriously aggrieved by the said development, for the reason that in pursuance of a tender notice dated 07.02.2024, issued by the Respondent No.6/Municipal Corporation, the Petitioner has been awarded the work of establishing an advance facility for such bio medical waste treatment and disposal. The work order was issued on 14.10.2024 and the Petitioner in pursuance thereof has applied for consent to establish with support from the Respondent No.6/ Corporation before the Respondent No.3/MPCB.

7. By the impugned communication dated 26.08.2025, the Respondent No.3/MPCB has refused to grant such CTE on the ground that gap analysis is yet to be carried out. The said analysis pertains to existence of such facility within a radius of 75 kms.

8. It is the case of the Petitioner that the aforesaid impugned communication has been arbitrarily issued and it is also alleged that the same is issued with the intention to favour Respondent No.8, for the reason that if the final stage of issuing a consent to operate is granted in favour of Respondent No.8, particularly in the light of the environmental clearance having been granted, the whole purpose of filing this petition would be frustrated.

9. It is brought to our notice that the Respondent No.6/Corporation was already granted a consent to operate on 03.07.2025 to run such a common facility for treatment and disposal of bio medical waste at the old existing facility of the Respondent No.6/Corporation. It is submitted that while the Petitioner is pursuing the process of establishing the advance facility, as on today it is operating the old existing facility of the Respondent No.6/Corporation. In other words, this Court is assured that as on today the Corporation is able to deal with the bio medical waste for its treatment and disposal through the Petitioner in the existing facility. It is also brought to our notice that the said consent to operate in the old facility, through the Petitioner, is operational till 31.12.2025.

10. We find that the documents on record and the grounds raised in the present petition do make out a *prima facie* case in favour of the

Petitioner. The Respondent No.8 has chosen not to appear before this Court although it is likely to be affected by any interim direction issued by this Court.

11. In such a situation, particularly when we are assured that the treatment and disposal of the bio medical waste shall not suffer due to the fact that the process is being undertaken in the existing facility, till the next date we are inclined to grant interim relief in favour of the Petitioner.

12. We have perused Civil Application No.10402/2025. We find that in the light of the environmental clearance granted on 13.09.2025 in favour of Respondent No.8 the proposed amendment deserves to be granted, in the interest of justice. Accordingly, civil application is allowed. The proposed amendment be carried out within one week from today.

13. In the light of the observations made herein-above, till the next date of listing no further steps shall be taken by the Respondent Nos.3 and 8 in pursuance of the environmental clearance dated 13.09.2025 granted by the Respondent No.4/Authority in favour of Respondent No.8.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]