

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.433/2015
(M.A. No. 784/2018)

Doctors for You Applicant(s)
Versus
MoEF& CC & Ors. Respondent(s)

Date of hearing: 12.04.2019

CORAM:
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s) Mr. Jaideep Singh, Mr. Kartik Dabas and Ms. Eysha Marysha, Advocates
Mr. Ranjit Singh, Advocate

For Respondent(s) Mr. Sameer S Sinha, Advocate for R-2
Mr. Mukul Singh, Advocate for MoEF&CC
Mr. Sriansh Prakash, Advocate for Mr. Balendu Shekhar, Advocate for MoEF &CC
Mr. G Ramakrishna Prasad and Ms. Filza Moonis, Advocates for R-5
Mr. Priyadarshi Banerjee, Advocate
Mr. Ranjesh K. Sinha, Advocate
Mr. Shubham Kulshreshtha and Mr. Arnav Behari, Advocate for R-8
Mr. Sapan Poovayyr, Sr. Advocate, Mr. Ajay Aggarwal and Mr. Siddharth, Advocates for R-6
Mr. Rajkumar, Advocate for CPCB

ORDER

Earlier on 10th January, 2019, Central Pollution Control Board (CPCB) was directed to put on record an

affidavit as to whether the discarded cigarette and bidi butts fall within the category of toxic waste or not.

We have before us Dr. Nigam, Additional Director, CPCB who has submitted that Board does not have the adequate infrastructure to authentically determine as to whether the discarded cigarette and bidi butts fall within the category of toxic waste. However, he has suggested that this analysis can be done and opinion be given by Indian Institute of Toxicological Research, Lucknow.

It will not be out of place to mention here that so far as Ministry of Environment, Forest and Climate Change (MoEF&CC) is concerned, it has put on record that the Schedule of Hazardous Waste Rules, 2016 do not include cigarette and bidi butts. They have stated that as of now these are being treated as solid waste and, therefore, they are being dealt with in accordance with Solid Waste Management Rules, 2016.

In view of the above, we direct MoEF & CC to have a study conducted by IITR, Lucknow as to whether cigarette and bidi butts fall within the category of toxic waste or not. In case, on the basis of the analysis by IITR, Lucknow it is determine that butts fall within category of toxic waste, then the Ministry is directed to immediately come out with appropriate Rules in this regard. This exercise is to be done by IITR, Lucknow within a period of two months from today and if

necessary, the Ministry will formulate the Rules within one month thereafter.

All the expenses required for the analysis and study by IITR, Lucknow shall be borne by CPCB. A copy of the report be sent to Director, IITR, Lucknow by email, forthwith.

The Director, IITR, Lucknow may send a copy of the analysis report to the Tribunal also. The Registry shall thereafter list that report before the Court.

Accordingly, Original Application No. 433 of 2015 stands disposed of, with no order as to cost.

M.A. No. 784 of 2018

This Application does not survive for consideration as the main application itself stands disposed of.

M.A. No. 784 of 2018 stands disposed of accordingly.

Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

April 12, 2019
sn