

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 6 of
2023**

=====
AMIT MANIBHAI PANCHAL

Versus

STATE OF GUJARAT & ORS.
=====

Appearance:

MR AMIT M PANCHAL, PARTY IN PERSON(5000) for the
Applicant(s) No. 1

MS DEVANGI SOLANKI, AMICUS CURIAE

MR KAMAL TRIVEDI, ADVOCATE GENERAL with MR. VINAY
BAIRAGRA, AGP for the Opponent(s) No. 1,3,4MR MITESH AMIN, SR. ADVOCATE with MR HS MUNSHAW(495)
for the Opponent(s) No. 5

SIDDHANT R SHAH(8722) for the Opponent(s) No. 6

MS MANISHA LAVKUMAR SHAH, SR. ADVOCATE with
SIDDHARTH S RAMI(8342) for the Opponent(s) No. 8,9
=====CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL

and

HONOURABLE MR. JUSTICE D.N. RAY

Date : 18/07/2025

ORAL ORDER**(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. In the affidavit filed on behalf of the Gujarat Pollution Control Board (GPCB) in compliance of the order dated 25.04.2025, it is brought on record that the GPCB has carried out inspection of 91 Nagarpalikas, out of which 65 Nagarpalikas have installed MRF facilities and 32 Nagarpalikas have signed Memorandum of Understanding (MOU) with registered Plastic Waste Processor for processing of plastic waste. However, out

of 65, 3 MRF facilities are not operational as yet; 39 are manually operated; 21 are mechanized and 5 MRF Facilities are operated both manually and mechanically.

2. It is further contended that 26 Nagarpalikas have not installed any MRF Facility for segregation of plastic waste, however, for 3 Nagarpalikas, MRF facilities are under construction and one Nagarpalika has tied up with the private agency to process legacy waste. 25 Nagarpalikas have, thus, not provided any information about plastic waste generation. Thus, in all, 59 Nagrapalikas have not signed MOU with the registered Plastic Waste Processor for processing of generated plastic waste. Resultantly, 88 show-cause notices have been issued by the GPCB to the respective Nagarpalikas either for non-installation of MRF Facility and/or non-signing of MOU with a registered Plastic Waste Processor.
3. It is further stated in the affidavit of the Unit Head, Plastic Waste Cell, GPCB, Head Office, Gandhinagar that in furtherance of strict implementation of Plastic Waste Management Rules, 2016 to promote eco-friendly practices, two initiatives have been taken by the GPCB, which are installation of Cloth Bag Vending Machines in key areas across Ahmedabad and Surat and installation of Reverse Vending Machines (24 in number) for collecting plastic bottles across the State to encourage proper disposal and recycling. The affidavit states that the GPCB and the State Monitoring Committee are

committed to make sustained efforts for strict implementation of the Plastic Waste Management Rules, 2016 and all necessary steps in this regard will continue.

4. Considering the above, we require the State Monitoring Committee and the Commissioner, Municipalities to hold a meeting with the Chief Officers, Nagarpalika giving them a timeline to ensure installation of MRF facility and engage plastic waste processing units registered with the GPCB. The Chief Officer of Nagarpalika shall be personally made liable with penal consequences, in case of defiance of the timeline, which shall be duly worked out by the State Monitoring Committee. The joint response of the State Monitoring Committee and the Commissioner of Municipality shall be brought before this Court in a personal affidavit of the Commissioner of Municipalities (Administration) to be filed on the next date fixed.
5. In the meantime, 8 Municipal Corporations in the State shall make an endeavour to emulate the initiative taken by the GPCB in installation of cloth bag vending machines and reverse vending machines (for collecting plastic bottles) in all key areas to be identified by them, specifically where there is a large footfall of the general public. The Municipalities which are managing tourist places like Dwarka and Somnath in the State shall also draw an example to set-up such machines in the areas of major tourist footfall. We find that the Municipal Commissioners of the Municipal Corporations are

required to take proactive measures within the area of their jurisdiction to curb plastic waste menace and manage plastic waste by not only taking measures as per the Rules, but also by conducting workshops in the schools run by the Municipal Corporation to create awareness. Effective steps are to be taken to ensure implementation of the Central Government campaign of “Swachh Bharat Mission”, in the State.

6. With above, the matter is posted on 12.09.2025.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI