

(Supreme Court Of India)

Almitra H. Patel & Another

v.

U.O.I. & Others

(Y.K. SABHARWAL and P.P. NAOLEKAR, JJ.,)

Writ Petition (Civil) No. 888 Of 1996 | 06-05-2005

1. The petitioners in support of prayers made in Interlocutory Application No. 14 of 2004, inter alia, seeking directions against the Central Government to forthwith stay the sanction of any further subsidy in respect of proposed and future Municipal Waste to Energy Projects and further direction to the Central Government to constitute an independent Non-governmental Review Committee of Experts to inspect the functioning and record of the Lucknow and Hyderabad Plants and assess performance against initial expectation and projections as also to assess process viability through energy-balance, mass-balance and water-balance calculations has brought to our notice a News Item published by The Times of India on 21st December, 2004. The said News report states that 839 million Municipal Solid Waste Treatment Plant in Lucknow has been abandoned due to insufficient supply of organic waste by Lucknow Municipal Corporation (Corporation). It also states that according to the Chief of the Corporation the plant has not been abandoned, rather the workers have gone on a lock out. From that report, it does appear that the generation of electricity has dipped to a mere 0.3 M.W. to 0.5. M.W. When the plant was commissioned, the projection was that it would generate 5 M.W. of electricity using bio-degradable waste.

2. Under the aforesaid circumstances, we hope that till the position is clear, the Government would not sanction any further subsidies. Meanwhile, within two weeks, the Central Government shall constitute a Committee of Experts and include therein Non-Governmental Organisations as well, to inspect the functioning and record of the Lucknow plant and file a Report before this Court. The petitioners may suggest the names of Non-Governmental Organisations, which may be considered for being included in the Expert Committee, to Mr. A.D.N. Rao, learned Counsel appearing for the Central Government. Due regard would be given to the suggestions made, while constituting the

Committee. The report along with affidavit on the aforesaid aspect shall be filed within eight weeks.

3. Mr. Rao seeks leave to place on record the report of the Inter-Ministerial Task Force. Let the same be filed within one week.

4. The writ petition and the special leave petition are adjourned.