



Item No.D-3

**Suleman and others vs. Union of India and others a/w connected matters**

**CWP No. 2369 of 2018 a/w CWPIIL No. 269 of 2017, CWPIIL Nos.32, 42 & 56 of 2021, CWPIIL No. 4 of 2022, CWPIIL No. 39 of 2023 and CWPIIL No.60 of 2024**

18.03.2026 Present:

Mr. Deven Khanna and Ms. Priya Sharma, Advocates for the petitioners in CWP No. 2369 of 2018.

Mr. Suneet Goel, Senior Advocate as *Amicus Curiae* with Mr. Aman Hansretta, Advocate, in CWPIIL No.269 of 2017.

Mr. Pushpinder Verma, Advocate for Mr. K. B. Khajuria, Advocate, for respondent No. 6-Central Pollution Control Board in CWP No.2369 of 2018.

Mr. Neeraj Gupta, Senior Advocate as *Amicus Curiae* with Mr. Pranjal Munjal, Advocate, in CWPIIL No. 32 of 2021.

Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents-State.

Mr. Balram Sharma, Deputy Solicitor General of India with Mr. Rajeev Sharma, Advocate for the respondent(s)/Union of India.

Mr. Sunil Mohan Goel, Senior Advocate with Mr. Raman Jamalta, Advocate, for respondent No.5 in CWPIIL No.4 of 2022.

Mr. Neeraj Gupta, Senior Advocate with Mr. Pranjal Munjal, Advocate, for respondent No.8 in CWP No. 2369 of 2018.

Mr. Ishmeet Rathore, Advocate for Mr. Adarsh K. Vashista, Advocate, for the petitioner in CWPIIL No. 4 of 2022.

Ms. Tamanna Sharma, Advocate, for Mr. Dhruv Kuthiala, Advocate, respondent No. 10 in CWPIIL No.269 of 2017.

Ms. Sheetal Kaul, Advocate for Mr. Naresh Kaul, Advocate, for respondent No. 5 in CWPIIL No. 60 of 2024.

Mr. Mukul Sharma, Advocate for Mr. Virbahadur Verma, Advocate, for respondent No. 2 in CWPIIL No.32 of 2021 and for respondent No. 1 in CWPIIL No. 42 of 2021.

Mr. T.S. Chauhan, Senior Advocate with Mr. Surya Chauhan, Advocate for the respondent/HP Pollution Control Board in CWP No.2369 of 2018.

Mr. Dhiraj Thakur, Advocate, for respondent No. 3-HPSEB in CWPIIL No. 60 of 2024.

Mr. Naveen K. Bhardwaj, Advocate for MCs Kullu, Banjar and Nagar Panchayat, Bhuntar, District Kullu, H.P., in CWP No.2369/2018.

Mr. Tek Chand, Advocate for respondent-MC, Sarkaghat in CWP No.2369 of 2018.

Mr. Ishmeet Rathore, Advocate for Mr. Adarsh K. Vashista, Advocate for M.Cs Chamba, Baddi, Nalagarh, Nagrota Bagwan, Jwalamukhi, Nurpur, Shahpur and Jawali.

Mr. Rajesh Kashyap, Advocate for MC-Sundernagar.

Mr. Mukul Sood and Mr. Vivek Sharma, Advocates, for MCs Shimla and Dharamshala.

Mr. H.S. Rangra, Advocate for MC Mandi in CWP No.2369 of 2018.

Mr. Naresh Verma, Advocate, for MC Una and MC Bilaspur, in CWPIL No. 39 of 2023.

Mr. Udit Shaurya Kaushik, Advocate, for the applicants in CMP Nos. 21169/2024, CMP Nos.7161/2025, 7162/2025 and CMP No.15743 of 2024.

Perusal of affidavit filed by the Director, Urban Development, Himachal Pradesh dated 25.10.2025 would go on to show that information regarding the number of tourists' vehicle entering the State from the various entry point is yet to be confirmed from the Commissioner, State Tax & Excise Department. It has been averred that efforts are being made to mobilize funds as Urban Local Bodies (ULBs) are presently levying and collecting user charges/garbage collection charges for door to door collection, segregation and transportation of municipal solid waste to disposal/processing sites. The ULBs are being directed to rationalize the garbage collection charges in consonance with the recurring cost incurred on collection and transportation of garbage. They have been asked to submit the

requirement of funds for up-gradation of the existing material recovery facilities and operation and maintenance cost required per year for Solid Waste Management. The details of the funds required for construction/up-gradation of the Solid Waste Management facilities, as per the Urban Local Bodies (ULBs), and the funds available, are as under:-

CAPEX (in Cr.) Cost for Establishment of Material Recovery Facility (MRF) (on time)	Rs.59.98 Cr.
OPEX (yearly) for transportation, collection, disposal and operation and maintenance (in Cr.)	Rs.85.85 Cr.
State Finance Commission Grant available	Rs.172.49 Cr. in 2024-25 and Rs.84.94 Cr in 2025-26 till date. (ULBs can utilize some part of these funds on Solid Waste Management facilities.)
Central Finance Commission (Tied) Grant available.	Rs.100.90 Cr in 2024-25 Rs.51.92 Cr. in 2025-26 (released to ULBs for Solid Waste & Water Management on 50:50 basis. However, the ULBs can utilize the funds for SWM facilities where the need of Water component is saturated.
Demand of door to door Garbage collection charges for the year 2024-25.	Rs.37.18 Cr.
Collection of door to door Garbage charges for the year, 2004-25	Rs.27.71 Cr.

2. As per the data collected, there is a demand of Rs.37.18 Crore for garbage user charges, out of which, Rs.27.71 Crore is being collected. The said averment would go on to show that there is apparent deficit of almost Rs.10.00 Crore and thus efforts should be made to recover the same from the concerned defaulters. Reference has been made to funds amounting to Rs.100.90 Crore having been released for the year 2024-25 and

Tied Grant funds amounting to Rs.51.92 Crore having been released during the financial year, 2025-26 (till November) and funds amounting to Rs.111.00 Crore are proposed to be released under the 15<sup>th</sup> Finance Commission.

3. Accordingly, let information be given, as to whether the said amount has been released or not and how it has been utilized.

4. Learned Deputy Solicitor General of India shall also file necessary affidavit, as to whether the said amount of Rs.111.00 Crore, has been released or not, if so, whether the utilization has been done.

5. The tendering formality to facilitate the Urban Local Bodies (ULBs) to upgrade the Material Recovery Facility (MRF) is still in the process of empanelment of the agency for upgradation of the same for the scientific disposal of the wet waste. An MoU has been stated to be executed with the Indian Institute of Chemical Technology (IICT), CSIR-Hyderabad for extending technical support for establishment of Biogas Plants on a cluster-based approach in Urban Local Bodies (ULBs) at five identified locations, namely Municipal Corporations, Solan, Una, Hamirpur, Palampur and Baddi. In first phase, at Municipal Corporation, Solan and Municipal Corporation, Una, the process has been initiated for installation of cluster-based Biogas Plants. The digitization of Garbage IDs for all households is being undertaken by the Department of Urban Development and so far 1,98,128 such IDs have already been generated for monitoring and improving service delivery, ensuring complete coverage of door-

to-door waste collection, and identifying those defaulters who are not contributing towards the garbage user charges.

6. Reference has also been made to a meeting convened between the Urban Development Department on 24.11.2025 to resolve the issues between the Baddi, Barotiwala, Nalagarh Development Authority (BBNDA) & M/s JBR (respondent No. 8). The minutes of the said meeting have also been appended as Annexure-D and Annexure-E.

7. Perusal of the minutes of the meeting (Annexure-D) would go on to show that unprocessed waste material remains to be 76,905 Metric Tons. In this regard, a clear time bound action plan has to be prepared and respondent No.8 has to submit regular progress report with the clearance of unprocessed waste material from time to time. It has been apprised by the BBNDA that unprocessed waste is lying on 25 Bighas of land, out of 32 Bighas of land and in the remaining land, there is processing facility of M/s JBR Technologies Pvt. Ltd. (respondent No.8). The Chairman-cum-Director, Urban Development had directed that fencing around the unprocessed waste be done so that it does not mix up with the fresh waste and the site be segregated into two distinct zones, i.e., (i) existing/unprocessed waste, and (ii) fresh waste processing, and to avoid mixing of waste, adequate monitoring through CCTV surveillance, physical marking and proper demarcation had been directed. It was decided that in case respondent No.8 is unable to undertake door-to-door waste collection in the Municipal Corporation area, the BBNDA shall initiate a separate tendering process for the same.

8. The Chief Executing Officer (CEO), BBNDA and M/s JBR had also requested the Additional Chief Secretary, Industries to provide additional funds.

9. An application being CMP No.4583 of 2026 (in CWP No.2369 of 2018) has been filed by M/s JBR Technologies (respondent No.8) seeking certain directions, which would go on to show that waste to the tune of 180-200 Ton approximately is being received at the Kenduwal processing site and the applicant would not be able to process approximately 250 Tons of such waste per day, which is far above its capacity and that too with the land available at the site, whereas at the time of tender/award, the capacity of the Unit was 60 Tons per day. The non-availability of the additional land is required to be regulated. The requisite tender in this regard has not been floated for door-to-door lifting of the garbage. Resultantly, the prayer, as such is for grant of additional land in view of the earlier orders passed by this Court, on 13.05.2025, 21.06.2025 and 26.08.2025.

10. In view of above, learned Deputy Advocate General prays for time to seek necessary instructions.

11. The minutes of the meeting further would go on to show that the action plan has to be submitted by both, BBNDA and M/s JBR Technologies Pvt. Ltd. (respondent No.8). Let the needful be done on or before the next date of hearing.

12. Perusal of the affidavit dated 28.11.2025 filed by the Additional Director, Rural Development Department would go on to show that Solid Waste Management and Sanitation in Rural Areas Model Bye-laws, 2025 have been framed in consonance

with Section 188 of the H.P. Panchayati Raj Act, 1994, which provides guidelines for the Panchayats. The State Government had issued directions after modifying the same on 22.05.2025 to adopt Model Bye-laws within six months (Annexure R-1). In total, 190 low density hotspots have been identified in Panchayat areas of all the Districts and have been cleared by concerned field agencies (BDOs/PRIs). Further, 452 collection and segregation sheds have been constructed in the Panchayat areas. All the districts have gathered the consolidated information from the Gram Panchayats and have submitted their compiled report to the State. The provision of levying of user charges have been made in Chapter-III- Rural Solid Waste Collection & Transportation, Para 2(g) of Solid Waste Management & Sanitation in Rural areas Model Bye-laws, 2025 and user charges collection responsibility has been assigned to PRIs and user charges/penalties collected by these Gram Panchayats shall only be used for the purpose of providing solid waste management and sanitation services in the Panchayats.

13. Quarterly report appended dated 30.10.2025 would go on to show that two Companies from Himachal Pradesh and Haryana are throwing many bundles of bottles, labels of 750 and 180 ml. into the river near Sainwala, Nahan. One Company whose name is inscribed on the labels of the bottles is located in Kala-amb, Himachal Pradesh and the other Company is located at Pipli, Kurukshetra, Haryana. The Customer Care Number of the Company has also been marked on these labels. Resultantly,

it has also been mentioned that a Police Team has been sent to the spot which is investigating the matter.

14. Accordingly, we direct the authorities concerned, including the Pollution Control Board, to take action against the two Bottlers/Distilleries on the principle that the polluter has to pay fine/penalty.

15. The compliance report submitted by the Deputy Commissioner, Una to the Registrar (Judicial) of this Court dated 18.02.2026, in compliance to the directions of the District Legal Services Authority (DLSA), Una, is on record showing that all the garbage hotspots have been identified by the Secretary, District Legal Services Authority and accordingly, steps have been taken for management and disposal of the solid waste on those hotspots, in compliance to the SWM Rules, 2016. Thus, eight spots have been mentioned in the said communication.

16. Resultantly, we direct that all the Secretaries, District Legal Services Authority shall continue to identify the hotspots in their jurisdictions and bring to the notice of the concerned Deputy Commissioner(s) and the Pollution Control Board for taking effective steps to remove the garbage legacy from such spots so that the cleanliness is maintained.

17. Affidavit of the Deputy Commissioner, Mandi, dated 08.08.2025 would go on to show that Urban Local Bodies were directed to submit revised reports addressing 35 specific directions of this Court and the summary progress has been attached as Annexure R/C-8 to R/C-14. It has been submitted that substantial compliance has been made on 34 directions in

the Municipal Corporation, Mandi out of 35 directions, whereas the Municipal Council, Sunder Nagar has complied with 30 directions. The Municipal Council, Nerchowk has complied with 15 directions and further compliance is underway. Similarly, Municipal Council, Sarkaghat has also complied with 19 directions and working on the others. Similarly, Municipal Council, Joginder Nagar has complied with 24 directions and efforts are in progress to comply with the remaining directions and Nagar Panchayat, Rewalsar has complied with 21 directions. Nagar Panchayat, Karsog has only complied with 02 directions out of 35 directions.

18. The Deputy Commissioner, Mandi shall file a fresh status report, especially regarding Nagar Panchayat, Karsog and Municipal Council, Nerchowk. The necessary affidavit(s) be filed by the other Deputy Commissioner(s) also.

19. Mr. Deven Khanna, learned counsel, has pointed out from the earlier order dated 18.07.2024 that directions have been issued regarding desirability of the Deposit Refund System (DRS) on the lines of Goa and Utrakhand by referring to Solid Waste Management (SWM) Rules, 2016 and that the responsibility is upon the producers, importers and brand owners (PIBOs) to work out the modalities for the waste collection system based on standard producers' responsibility either individually or collectively through their own distribution channel or through the local bodies concerned. It is thus pointed out that notification dated 16.06.2025 has been issued, which is called the Himachal Pradesh Deposit Refund Scheme (DRS), 2025 which is

applicable for both liquor and non-liquor in glass bottles, plastic beverage containers, aluminum beverage containers, liquid packaging board (e.g. tetra pack), flexible plastic packaging, and multilayered packaging. It is thus suggested that the responsibilities of the Manufacturers, as such, have laid down in Clause 11 of the Scheme: that the collection of the refundable deposit shall be secured through digitally printed Unique Serialized Identifier (USI) or any other technology as identified by the Scheme Administrator from time to time; that the manufacturers will be mandated to collect back the DRS product introduced in the State through a Scheme Operator appointed by the Scheme Administrator; and the manufacturer shall transfer in escrow account, an amount equivalent to consolidated deposits of the DRS products at the time of dispatch of DRS products from manufacturing facilities. The responsibilities have also been laid down of the Distributors and Retailers as per Clauses 12 & 13 of the Scheme and the Manufacturers are obliged to pay Reverse Collection Fees. The Retailer shall only sell the DRS product to the consumer by collecting a deposit and shall inform the customer about the mandate to return the packaging and to get the refund of the deposit, by means of clearly recognizable and legible notices in the business premises. There is also a provision for imposition of penalty in the Scheme Administrator levying the penalty on the Manufacturers, Distributors and Retailers in case of non-fulfillment of obligations set out in the Scheme, and the same shall be notified.

20. Let the State take effective steps for implementation of the Scheme which is an laudable step, as such, taken by them. Let steps be taken by the concerned authorities to redress the issue of the legacy waste which is in Kenduwal at Baddi.

21. The affidavit even almost go on to show that the disposal is just over and above what has been collected on daily basis, which would be clear from the size of the waste legacy which has been collected between August 2018 to September, 2025 as per the pictures at page No. 5151 of the paper book.

22. The State could seek advise from Chandigarh Administration/Municipal Corporation and the other expert bodies who have been successful, as such, to reduce the legacy at various places like village Dadumajra.

List on **14.05.2026**.

**(G.S. Sandhawalia)**  
**Chief Justice**

**( Bipin C. Negi )**  
**Judge**

**March 18, 2026** (KS)