

Item No.2

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

ORIGINAL APPLICATION NO.16 OF 2023 (WZ)
WITH
I.A.NO. 60 OF 2023 (WZ)

Mrs. Alka Sunil Kale

.... Applicant

Versus

State of Maharashtra & Ors.

....Respondents

Date of hearing : 24.02.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Vaibhav Kulkarni, Advocate holding brief of
Mr. Ruturaj Bathe, Advocate

ORDER

1. This application has been filed with a prayer that respondent No.1 – Maharashtra Prathamik Shikshan Parishad, Mumbai be directed to modify the Standard of Incinerations stated in the tender conditions in Tender No.GEM/2023/B/2982517 to make it in line with the Standard of Incinerations given in the Solid Waste Management Rules, 2016, which provide for flue gas treatment @ 950⁰ C and also for separate chambers for burning and flue gas treatment (twin chambers).

2. In the body of the application, it is mentioned that the sanitary napkins, vending machines and incinerators are being provided to 9940 schools in the State of Maharashtra, wherein one of the specifications of the incinerator is that the burning temperature should be 800⁰ C and that the specification does not provide for twin chamber condition, which is in contravention of the standard of Incineration given in the Solid Waste Management Rules, 2016. Also the Central Pollution Control Board (CPCB) specifies the norms and guidelines mentioned in Solid Waste Management

Rules, 2016 should be applicable. The disposal of the sanitary pad without treating the fumes or gases or treating it below 950^o C as given in the Solid Waste Management Rules, 2016 would cause huge environmental hazard.

3. We find that substantial question pertaining to environment is made out in the present case. Therefore, we admit this application in view of the fact that the Solid Waste Management Rules, 2016 provide for all the facilities in twin chambers which shall be designed to achieve a minimum temperature of 950^oC while in the tender conditions, it has been recorded that the burning temperature should be 800^oC.

4. Issue notice to the respondents, both in Original Application as well as Interlocutory Application No.60/2023, returnable before the next date.

5. Looking to the fact that the application would become infructuous if the tender is finalized, we deem it appropriate to fix a shorter date for hearing on Original Application and disposal of Interlocutory Application.

6. The applicant is directed to provide copies of the Original Application and Interlocutory Application alongwith their annexures for being served to the respondents, within a week.

7. The applicant is also directed to take necessary steps for service of notice upon the respondents by both ways and also through available e-mail.

8. Put up this matter on 16.03.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 24, 2023
O.A.NO.16 OF 2023 (WZ)
npj