



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3483]

**I.A.Nos.2 & 3 of 2025
in/and
WRIT PETITION NO: 6365/2025**

Between:

M/s. CBWTF Association of Andhra Pradesh
Rep. by its Secretary Mr. T. Anil Kumar.

...PETITIONER

AND

Union of India, rep. by its Secretary,
Ministry of Environment, Forest and Climate
Change, New Delhi and others.

...RESPONDENT(S)

Counsel for the Petitioner:

1.Y. Srinivasa Murthy, learned counsel representing P.Venkaiah Naidu,
learned counsel

Counsel for the Respondent(S):

1. Learned Standing counsel for central Government
2. Sri Yelisetti Somaraju, learned Standing Counsel for
A.P.Polluri Control Board.

**CORAM: THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATI**

DATE : 07.05.2025

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Inaction of respondent no.3- Andhra Pradesh State Pollution Control Board
(for short, 'APSPCB'), in considering the representation dated 29.01.2025

submitted by the petitioner society is questioned being violative of fundamental rights guaranteed to the petitioner, *ultra vires* of the provisions of the Environment (Protection) Act, 1986, Bio-Medical Waste Management Rules, 2016, statutory guidelines of Central Pollution Control Board (for short, 'CPCB'), 2016 and orders of this Court as well as National Green Tribunal.

2. The case of the petitioner, in brief, is that, it is a society registered under the provisions of the Societies Registration Act, 2001, with twelve members, who are operating the Common Bio Medical Waste Treatment and Disposal Facilities (for short, 'CBWTFs') and providing awareness, knowledge and guidance to proper management of bio medical waste throughout the State of Andhra Pradesh is one of its objects. That the State Pollution Control Board is required to conduct gap analysis with reference to coverage area of the Bio-medical waste generation and also projected over a period of 10 years and adequacy of existing treatment facility of the CBWTF in each coverage area of radius 75 kms. and if it is found that any coverage area requires additional treatment capacity, action may be initiated for allowing new CBWTF in that locality without interfering with the coverage area of the existing CBWTF and beds covered by existing CBWTF.

It is the further case that when respondent no.3-APSPCB contemplated to issue permission to new CBMWTFs without conducting gap analysis study, several writ petitions came to be filed before this Court and National Green Tribunal, wherein the respondent no.3 was directed not to grant permissions to new CBMWTFs without conducting gap analysis. Pursuantly, the respondent no.3 entrusted the said work to M/s.Andhra Pradesh Environment Management Corporation Limited (APEMCL), which inturn outsourced couple of consultants and obtained reports. Thereafter, the respondent no.3 constituted a committee and made several changes to the reports to make it appear that no existing facility in the state has adequate capacity to treat waste generated in the coverage area. That as the reports so prepared were sent back by CPCB with remarks, respondent no.3 again conducted gap analysis study as per remarks, which, however, was found to be defective by CPCB and as such respondent no.3 was asked to submit a fresh report.

It is the further case of the petitioner that the respondent no.2-CPCB, in a unilateral fashion and without putting it for any detailed and elaborate debate, had adopted a new methodology, contrary to its notified methods, and is directing to conducting gap analysis studies, based on the study report of South-East Asian region, the transparency and veracity of which is unknown. Further,

vide letter dated 21.01.2025, the CPCB directed respondent no.3 to consider the recommendations of CPCB on gap analysis report before concluding on requirement of new CBWTFs. Moreover, MoEF & CC had addressed a letter dated 31.07.2024 stating that gap analysis report shall be prepared and submitted to and CPCB for comments before establishment new CBWTFs.

It is the further case that notwithstanding such directions, as respondent no.3 was contemplating to accord permission to new CBWTFs, the petitioner submitted representation to respondent nos.2 and 3 bringing to their notice the deviations and deficiencies in the modified gap analysis report and requested respondent no.3-APPCB to adhere guidelines for CBWTFs and to the recommendations given by the CPCB while considering establishment of new CBWTFs. Inaction thereof, had led to filing of this writ petition.

3. Heard Sri *Y. Srinivasa Murthy*, learned senior counsel, representing Sri P.Venkaiah Naidu, learned counsel for petitioner, and Sri *Yelisetti Somaraju*, learned Standing Counsel for Andhra Pradesh Pollution control Board.

4. Perused the material available on record and considered the submissions made by learned counsel for the parties.

5. The grievance of the petitioner society is twofold. One is switching on to new methodology by CPCB for conducting gap analysis study based on the study report of South-East Asian region, instead of following old methodology, and the other is that respondent no.3 is not considering its representation dated 29.01.2025 submitted to consider the gap analysis report without reference to any new methodology other than the one that was adopted all over the country.

6. At the outset, it is needful to note that inadequate number of treatment facilities and treatment facilities with inadequate capacity to treat the waste generated may result in unscientific disposal of bio-medical waste to the detriment of public health. The guidelines and the methodology for conducting gap analysis must aim to ensure effective treatment of bio medical waste for protection of environment and public health. Therefore, the concerned Pollution Control Boards must always strive to explore the new methods and modalities to narrow down the gaps, if any, for ensuring compliance of the object of guidelines. Any attempt to curtail them from switching on to new methodology based on studies and adopting the methods followed by the nations across the globe would entail derailment of State's Constitutional obligation for providing pollution free environment and protection of natural environmental resources.

7. It is fairly settled that, generally, courts are hesitant to interfere with decisions that require specialized knowledge or expertise, especially those made by expert bodies or government agencies. This principle of judicial restraint stems from the understanding that courts may lack the specific technical or professional expertise necessary to adequately review such decisions. Interference is usually only warranted when there's clear evidence of illegality, arbitrariness, or procedural impropriety.

8. The Central as well as State Pollution Control Boards will be manned with experts in the relevant field and naturally they take decisions based on overall study done by experts in the field across the globe compatible with that existed in India. This Court did not find any patent illegality, arbitrariness, or procedural impropriety in switching on the new methodology by Central Pollution Control Board and advising the State Control Boards to consider the recommendations made by them on gap analysis report before concluding the requirement of new CBWTFs.

9. Further, it is fairly settled that unless an authority is obligated under any law or regulation explicitly requiring it to consider and act on the representation, Courts would not direct to do so. Except alleging inaction, the petitioner could

not figure out any such law or regulation that obligates respondent no.3 to consider and act on the representation.

10. In the above view of the matter, the writ petition lacks merit and the same deserves dismissal.

11. In view of the discussion held supra and the conclusion arrived at by us and further as the W.P.(PIL) No.125 of 2024 has been closed, it is needless to pass orders on I.A.Nos.2 & 3 of 2005 filed for impleadment of proposed respondent nos. 4 & 5 and they are liable to be closed.

12. Accordingly, Writ Petition is dismissed. I.A.Nos.2 & 3 of 2025 are closed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

DHIRAJ SINGH THAKUR,CJ

RAVI CHEEMALAPATI,J

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