



2026:DHC:4410



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 13th May, 2026

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W.P.(C) 5236/2010 & CM APPL. 8666/2012, CM APPL. 7162/2016

ALMITRA H.PATEL & ANR.

.....Petitioners

Through: Mr. Vivek Sharma, Ms. Mamta Gautam and Mr. Aditya Jain, Advocates for P-1.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Vivek Goyal and Mr. Aryan Aggarwal, Advocates for UoI.

Ms. Puja S. Kalra, Advocate for MCD.

Mr. Amit Saxena, Mr. Ravi Krishan Chandna and Mr. Santosh Sharma, Advocates for NDMC.

Mr. Dhruv Tamta, Advocate for DDA.

Mr. Sanjay Kumar Pathak, Ms. K. Kaomudi Kirna, Mr. Sunil Kumar Jha and Mr. Kushagra Dixit, Advocates for R-8.

Mr. Santosh Kumar Rout, Advocate for CCI.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present Writ Petition was registered by this court pursuant to



directions of the Hon'ble Supreme Court dated 19th July, 2010. The operative part of the said order is set out below: -

“I.A. No.12 of 2002, along with I.A. No.17 of 2006 as well as unregistered I.A. No. /2010 are preferred by the Government of NCT, Delhi as well as Municipal Corporation of Delhi respectively, inter-alia, seeking a direction to the Development Commissioner, Government of NCT, Delhi and other Authorities to grant allotment of land at Bhatti Mines for development of landfill site in favour of Municipal Corporation of Delhi for disposal of Municipal Solid Waste at the SLF site.

These interlocutory applications are opposed by NGO Forum for the NCR vide Interlocutory Application No.13 of 2002.

Having examined the interlocutory applications, we are of the view that these interlocutory applications could be examined by the Delhi High Court as, in our view, looking to the complexity of the problem, the High Court would be in a better position to decide these matters keeping in mind the local topography and local conditions.

Consequently, we hereby direct the Registry to place the interlocutory applications before the Delhi High Court, which, in turn, will decide the question of allotment at the appropriate site for disposal of the Municipal Solid Waste. It is hereby made clear that the High Court will decide the above interlocutory applications uninfluenced by any observation made by this Court in its Order dated 1st March, 1996 in Writ Petition (C) No.286 of 1994, in the case of Dr. B.L.Wadhera vs. Union of India and Ors.

We request the Delhi High Court to expeditiously hear and dispose of the matter, preferably within three months.”

(emphasis supplied)

2. The petitioner herein, Almitra H. Patel, had opposed I.A. 12 of 2005, seeking rejection of the use of Bhatti Mines as a Solid Land Fill (hereinafter ‘SLF’) site for disposal of Municipal Solid Waste.

3. In the order passed by this Court on 3rd February, 2012, the stand of DDA and MCD was noted that Bhatti Mines cannot be used for the purposes of Solid Waste Management and accordingly, DDA was required to



undertake a fresh exercise for suggesting alternative sites. The operative portion of the said order are set out below:

“8. As it is the case of the DDA and the MCD that the Bhatti Mines, which were identified as one of the proposed sites for being used for solid waste management, cannot be used for the said purpose in terms of the Solid Waste Management Master Plan of Delhi, the DDA is required to undertake a fresh exercise for suggesting an alternative site, so as to make up for the area deficiency on account of excavation at the Bhatti Mines. For that purpose, DDA shall be at liberty to associate any other agency, including MCD, as it may deem appropriate and file an affidavit as to the action taken by it.”

4. Thereafter, various status reports have been filed in the petition. The latest status report has been filed on behalf respondent-MCD on 22nd September, 2025. Paragraph 13 of the status report details the various lands that were made available by DDA to MCD for the purposes of Solid Waste Management. Para 13 of the status report is set out below:-

13. That, for providing various Solid Waste Management services, lands in various parts of Delhi has been made available to MCD. The details of the lands and the present utilization thereof is as under:

a. Narela-Bawana Road (Approx. 150 Acres)

In this land, presently Integrated WtE plant including facility for WtE plant, Engineered Landfill, and Compost plant is already running in approx. 100 acre of land. Out of balance land, 14 Acre land has been handed over to DSIIDC for setting up Hazardous waste treatment facility and one more 3000 TPD capacity WtE plant is being set up which is expected to be operational by December-2027.

b. Pocket No. 1-2 in the layout plan of industrial area Rohini Phase-V (Rani Khera) (5.97 Acres (2.42 Hact.))

C & D waste processing plant is in operation at this location.



c. Okhla Land Area Ph. I (Tehkhand) (35.33 + 15.101 = 50.401 Acres)

15 Acres of land is utilized for the Waste to Energy plant facility processing 2000 TPD MSW to produce 25 Mega watt of electricity. The capacity of this plant is proposed to be further increased by 1000 TPD which is likely to be commissioned by December-2027. In the balance 35 Acres of land, Engineered sanitary landfill (E-SLF) has been setup for the purpose of scientific disposal of bottom ash produced by Waste to Energy plants.

d. Near village Bakkarwala (10.00 Acres)

C & D waste processing plant in under operation in this land.

e. Y-Point, Shastri Park (5.09 Acres)

This land has been utilized for setting up C & D waste processing facility at Shastripark.


f. East Vinod Nagar (2.88 Acres)

This land allotted is being utilized for solid waste management facility in way of carrying out maintenance and servicing / parking of Solid Waste Management vehicles of Collection and Transport (C & T) concessionaire.

g. Okhla Land Area Ph I (Tehkhand) (14.2 Acres CCIL site)

This land was a part of adjoining dump site at Okhla Landfill Site and, as per directions from Hon'ble NGT, the work of Bio mining of the Legacy waste is being carried out here.

h. Sector-29, Dwarka {20,000 Sqm (4.94 Acre)}

 Material Recovery Facility (MRF) plant has been set up at this location for segregation of useful materials from the generated



waste. Some portion of this said land is also being used for Dog Sterilization & Cremation center for small animals.

i. Village Singhola Khampur near DJB Sewage Treatment Plant (7.2 Acres)

The land is being utilized for disposal of silt removed from the drains during de-silting / cleaning of drains.

j. Sector-24, Dwarka {20,000 Sqm (4.94 Acre)}

This land allotted is being utilized for solid waste management facility in way of carrying out maintenance and servicing / parking of Solid Waste Management vehicles of Collection and Transport (C & T) concessionaire.

k. Ghonda Gurjan (42.50 Acres)

The land allotted lies within active flood plain of river Yamuna and falls under zone "O". Hence, the proposal for setting up an integrated Solid Waste processing facility was rejected by the Principal Committee on 14.01.2022. The proposal of change of land use was also moved but the same was rejected.

l. Sultanpur Dabas (approx 50 Acres)

This land was a Gram Sabha land and allotted by Revenue Department, GNCTD to erstwhile North Delhi Municipal Corporation for setting up waste processing facility and Engineered Sanitary Landfill. The said land is having a large no. of trees which are required to be removed for setting up any waste processing facility. One of the condition of allotment of above piece of land was that MCD will co-ordinate with DDA in identifying a suitable parcel of land of equal size in preferably 'O' zone for compensatory afforestation and hand over the same to forest department. In this regard, Communication was made with DDA to provide another piece of land of adequate size to North MCD. However, any land, as demanded, has not yet been provided to MCD.





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m. Tikri Kalan Road (Tikri Kalan, Zone-L) (3.95 Acres)

The land was earmarked for Plastic waste management facility / Plastic recycling unit. Accordingly, the process has been initiated for setting up the plastic waste processing and disposal facility and the same is yet to be established.

n. Pocket No. 1-4, Industrial area Rohini Phase-V (Rani Khera) (3.55 Acre).

Initially, this land was proposed to be used for providing C & D waste processing facility, however, the same could not be set up due to strong public resistance.

o. Pocket No. 1-8 in the layout plan of industrial area Rohini Phase-V (Rani Khera) {33.23 Acre(13.45 Hact.)} & Pocket No. 1-10 in the layout plan of industrial area Rohini Phase-V (Rani Khera) {16.28 Acre (6.59 Hact.)} {Total 49.51 Acre (20.04 Hact.)}

The land under reference was proposed to be utilized for providing Engineered Sanitary Landfill, Compost plant and setting up Waste to Energy plant. But, the land was irregular in shape and was situated in dense habitation. For providing Transaction advisory for setting up the Waste to Energy facility, erstwhile NDMC engaged M/s Regional Centre for Urban & Environmental Studies (RCUES), Lucknow (Ministry of Housing and Urban Affairs, Govt. of India). As per the report submitted by RCUES, the location was also not feasible for providing solid waste management facility due to dense habitation nearby and scattered layout of land. Copy of the report is annexed as Annexure 'A'.



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5. As is manifest from the abovesaid status report, much water has flown under the bridge since the time the aforesaid IAs were transferred to this Court in 2010. It is evident that on account of all the aforesaid land parcels allotted to MCD for purposes of Solid Waste Management, the land at Bhatti Mines is not to be used for the said purpose.

6. Accordingly, the abovementioned I.As which were registered by this Court as the present writ petition have become infructuous. Accordingly, the writ petition, along with pending applications, stands disposed of.

AMIT BANSAL, J

MAY 13, 2026

Vivek/-