

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.18/2015(WZ)**

CORAM:

**Hon'ble Shri Justice V.R. Kingaonkar
(Judicial Member)**

**Hon'ble Dr. Ajay A. Deshpande
(Expert Member)**

B E T W E E N:

Sunil Kundlik Kemble,
Age 45 Yrs. Occn : Agriculturist,
Block No.14, Samajseva Co-operative
Housing Society, Bhosalewadi,
Kolhapur 416 003

.....Applicant

A N D

- 1. Union of India,**
Ministry of Environment & Forest,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi 110 003
- 2. State of Maharashtra,**
Through : Principal Secretary,
Department of Environment of Forest
15th floor, Madam Cama Road,
Mantralaya, Churchgate,
Mumbai .
- 3. Maharashtra Pollution Control Board,**
Through : Member Secretary,
Kalpataru Point, 3rd and 4th floor,
Opp. Cine Planet, Sion Circle,
Mumbai 400 022

4. Maharashtra Pollution Control Board,
Through : Regional Officer,
Udyog Bhavan Building,
Near Collector office,
Kolhapur 416 002

5. Kolhapur Municipal Corporation,
Through : Its Commissioner,
Office at Main Building, Shivaji chowk,
C-Ward, Kolhapur 416 002.

.....Respondents

Counsel for Applicants

Mr. Vallar W. Jathar, Adv.

Counsel for Respondent Nos.2 to 4 :

Mr. D.M. Gupte, Adv.

Mrs. Supriya Dangare, Adv.

Counsel for Respondent No.5 :

Mr. D.V. Sutar, Adv.

Officers of Respondent No.5 (KMC) :

Mr. Manish B. Pawar, Hydraulic Engineer,
Kolhapur Mahapalika

Mr. Rajendra K. Patil, Environmental Officer

P.C.

Date: December 14th, 2015

ORAL JUDGMENT

1. By this Application, Applicant Sunil Kemble has sought adjudication of certain substantial issues related to the environment, particularly, to stop pollution of Rankala lake caused due to releasing of sewage water from city area of Kolhapur. He seeks restoration of natural status of Rankala lake by pruning of water pollution.

2. Before we proceed to consider the Application, let it be noted that the issue was linked with cleaning of the River called “Panchganga” which flows by the side of boundary of the Kolhapur city. Thus, comprehensively the removal of pollution of water from River and lake of Rankala was under consideration. Learned Advocate Mr. D.V. Sutar appearing for Kolhapur Municipal Corporation submits that the issue pertaining about Panchganga River water pollution which is allegedly caused due to discharge of effluents by various industries, including sugar factories which are located on bank of the River is being dealt with by Hon’ble High Court of Bombay in PIL No.183/2012 and has to be segregated from the issues which are raised in the Application filed by Sunil Kemble. This segregation of issue is unopposed by all the other parties, in as much as, sources of pollution of Rankala lake are all together different because allegedly it is caused predominately due to discharge of polluted water from city of Kolhapur, polluted water due to discharge of used water of lake by hawkers who are allowed to vend eatables on the pushcarts and other such places on the bank of Rankala lake which are used by the visitors, arbitrarily to eat the food material and throw away the paper dishes or like material in the lake, by washing of clothes in the lake by giving bathes or shampooing the animals in the lake and thereby, causing unnecessary

pollution, so on and so forth. The Applicant states that an expert agency be appointed to deal with the problem of water pollution of Rankala lake.

3. Learned Advocate Mr. Sutar, appearing for Municipal Corporation of Kolhapur states that the nalas from Sham Society, Partala society, Sarnaik Colony, Deshmukh hall and other discharging points are being attempted to be closed down but the plugged outlets are reopened either due to velocity of gushing of discharge of effluents/polluted water or by owners/operator of the area of the properties. He would submit that Kolhapur Municipal Corporation cannot keep 24 x 7 hrs vigil around bank of Ranala to ensure the stoppage of inlet discharge coming from the various sources or the aforesaid activities of the inhabitants of the city.

4. He contended that there is no objection of the Kolhapur Municipal Corporation to appoint external agency, suggest and give appropriate methodological plans of Phase-II DPR (NLCP) in order to ensure that Rankala water is made pollution free. He would undertake that such plan will be executed by the Kolhapur Municipal Corporation and no red tapesim will be in place during process of such execution. Mr. Sutar, learned counsel, fairly states that protection of Rankala lake which is an important tourist location in Kolhapur is the first priority and therefore,

environment friendly activities of the Kolhapur Municipal Corporation will be given preference. He states that pollution free water in Rankala lake is essential activity. Some of the photographs placed on record indicate that there are some plants which have come up on surface of the water and have obstructed natural flow thereof while cleaning of Rankala lake. The obnoxious plants is also be required to be removed. Those plants are called water hyacinth (Jalparni) are always fast growing and menace to proper flow of good quality of water. Learned Advocate Shri Sutar submits that the Kolhapur Municipal Corporation has successfully executed a project under National Lake Conservation Programme (NLCP) costing about Rs.8 crores (Rs. eight crores). He further submits that considering the status of water quality of Rankala lake, KMC has now proposed phase-II of this project which is costing about Rs.125 crores (Rs. one hundred twenty five crores). The Applicant has submitted that before executing such a project, a comprehensive evaluation for environmental angle is necessary of this DPR of Phase-II to ensure that the desired objectives are met, considering the experience of Phase-I project.

5. What appears from the record is that initially an attempt was made to use services of NEERI, but it was found to be very costly affair for the Kolhapur Municipal

Corporation based on the estimates submitted by NEERI. Same appears to be the case of Walchand College of Engineering, Sangli. Infact, we expected Walchand College of Engineering, Sangli, which is in-proximity to give remedy with austerity measures because such project handling, project activity and reporting with the help of proper scientific inputs, give leverage to enhance credibility of the Institute. Unfortunately, the second attempt, as reported by learned counsel Mr. Sutar could not materialize because of high cost estimate indicated by the latter Agency.

5. Eventually with help of Shri Viral Shah, learned Advocate of GPCB and due efforts of learned Advocate Mr. D.V. Sutar for Kolhapur Municipal Corporation, consent was sought from Department of Environmental Engineering, M.S. University, Barode as to whether it was possible for the University Department to accept the work, if the said department is ready and willing to accept the work, as much as possible less charges by observing austerity measures, which will be approximately below Rs.10,00,000/- (Ten lakhs) to 15,00,000/- (Rs. Fifteen lakhs). Learned Advocate Mr. Sutar under the instructions of Kolhapur Municipal Corporation states that Kolhapur Municipal Corporation will make all arrangements for transportation and local logistics of the team of experts of the University named above as and when the programme

will be communicated to Municipal Commissioner and Nodal Officer, Shri. Mohan Suryavanshi, PRO of KMC whose address and mobile number would be submitted today itself. They be placed on record because in case team of the University will find any difficulty, the Protocol Officer of the National Green Tribunal (WZ) Pune Mr. Anchal Sakhuja may be contacted for the making arrangement to keep them in comfort zone, as may be required. We had enquired with MPCB about carrying out such evaluation work, even quoting the relevant provisions of Water (Prevention and Control of Pollution) Act 1974 related to mandate and functions of MPCB.

6. We may state here that the MPCB failed to undertake the work. We are constrained to note that the work needs to be executed by third agency constituted by Tribunal could have been avoided but for absence of proper expertise available with MPCB. We are at pains to take note of the above facts that we cannot hoodwink what the record is and how and why the work was required to be entrusted to M.S. University, Baroda.

7. The TOR for techno-economic evaluation of phase-II work of DPR from environmental angle in order to improve the water quality of Rankala lake shall be prepared within two (2) weeks after the work order is communicated to the HOD of Environment Sciences of M.S. University of Baroda

alongwith all necessary documents including DPR of phase-I and Phase-II, etc. though the work relates only to the second DPR. The report of M.S. University, Baroda he submitted to this Tribunal on 28th January 2016 for further order.

8. In accordance with above terms, the Application is accordingly partly allowed and disposed of. No costs.

9. The Application be placed for compliance on 28th January 2016.

....., **JM**
(Justice V. R. Kingaonkar)

....., **EM**
(Dr. Ajay.A. Deshpande)

Date : 14th December 2015

ajp