

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

**MA No.84/2014
IN
APPLICATION NO.37/2013 (WZ)
Vanshakti V/s MPCB.**

**CORAM: HON'BLE SHRI JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

Present : **Applicant/ Appellant** : **D. Stalin**
Respondent Nos.1 & 2 : **Rajendra Raghuwanshi a/w
Rutuja Ambekar, D.M. Gupte
Supriya Dangre Adv**
Adv

Respondent No.6 : **Nikhil Chavan Adv**

Respondent Nos.7,9,11 : **Dr. S. Mahashabde Adv**

Respondent No.8 : **Shyamali Gadre a/w
Deepak Pawar i/by Little & Co.**

Date and Remarks	Orders of the Tribunal
Item No.4 May12, 2014 Order No.8	<p>Heard Applicant D. Stalin in person. He submits that learned Counsel Gayatri Singh, is unavailable today since she has gone abroad. However, he has participated in course of the hearing. The affidavits are filed along with certain documents by the MPCB.</p> <p>Learned Counsel Mrs. Mahashabde, has also filed affidavits on behalf of Ambarnath and Badlapur Municipal Councils. We have also heard the Counsel for MIDC.</p> <p>Perusal of tabular information furnished by the learned Counsel for MPCB, goes to show that there is no STP provided by Badlapur Municipal Council. It also appears that Ulhasnagar Municipal Corporation, has provided STP of very low capacity, which does not take care of sewage generated of the city and the areas around Ulhasnagar city. It also appears that the same case is with Kalyan Dombivali Municipal Council, Ambarnath Municipal Council and other areas. Considering the information placed on record, it is explicit that some of the Municipal sewage is discharged in Valdhuni river, Ulhas river, Ulhas creek, without treatment, ranging between zero to 80% capacity. It is imperative, therefore, that sewage treatment by the Municipal Council/Municipal Corporation, is totally dissatisfactory.</p> <p>Perusal of Judgment rendered by the Hon'ble High Court in a bunch of Civil Writ Petition No.1740 of 1998, along with other Writ Petition No.4542 of 2012, etc. and go to show that specific directions</p>

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were given by the Hon'ble High Court to the Authorities to establish the MSW, to deal with the problem of solid waste disposal. The MSW generated by the Municipal Council/Municipal Corporation, is not being properly treated is the fact. The plants are not being run to the full capacity installed as per required capacity or not at all installed, is the ground reality. Faced with this difficulty and the teeth of Judgment of the Hon'ble High Court, the Applicants state that they will take the issue to the Hon'ble High Court by filing Contempt Petition. In this view of the matter, for the present, we defer passing of any separate order in this behalf.

So far as other issues involved in the Application are concerned, we find that the information given by the MPCB, is, no doubt, gives certain assistance to the Tribunal to reach appropriate conclusion, yet, it is necessary to identify priorities for the purpose of selective treatment to diminish pollution problem by categorisation of the polluting industries. The learned Counsel for the MPCB would submit that he will instruct MPCB Authorities to place such information before the Tribunal on the next date. He states that the categorization of such industries with identity of each such industry, including the nature of industry will be stated in tabular form viz Pesticide Industries, Hazardous Industries so on and so forth. We direct that minor industries like non-polluting or polluting industries which ordinarily do not generate a pollution below level of 5%, should not be put in such categorization.

The Counsel for Jean Wash Owners Association, would submit that the Application is filed before the MPCB to grant Consent to Operate. We direct MPCB to consider the Application and decide it on its own merits within period of two (2) weeks and inform said Association the result.

The MPCB shall not, however, be guided by any influence even though the Application may be supported by recommendations of any politician or any kind of other extraneous persons put on the machinery.

It is stated by learned Counsel for the MIDC that NIO study is yet to be completed and, therefore, the process of laying down pipeline for discharging effluent from MIDC area to the points in the sea-bed, is yet to start. We are of the opinion that the study report may take considerable time, in the meanwhile, however, we are of the opinion that Ulhasnagar Municipal Corporation, shall divert Khemni Nala, so as to avoid discharge of sewage and effluent of MIDC area in the river or water bodies which may cause pollution of

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drinking water facility. In case such work is not carried out within period of three (3) month, we will be constrained to give directions to the Secretary, Urban Development Department, to exercise the powers under the Maharashtra Municipal Corporation Act, to take over the affairs of Ulhasnagar Municipal Corporation, to control the affairs and deal with problems of pollution in the area.

The Counsel for MIDC, is directed to make statement as regards the points pertaining to disposal of effluent and the nature of study and whether interim report of such study can be made available within a reasonable period.

Stand over to 16th July, 2014.

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

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

