

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 359 OF 2019**

IN THE MATTER OF

MOHAMMAD YUSUF ABDULLAH SHAIKH & ANR.

APPLICANT(S)

V

STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

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**BHARAT KUMAR SHARMA
SCIENTIST "E",
CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032**

PLACE: DELHI

DATED: 09.09.2019

SUMMARY OF ACTION TAKEN BY THE JOINT COMMITTEE, FINDINGS, PREVENTIVE SAFEGUARDS & REMEDIAL ACTION AND TIMEFRAME FOR COMPLETION OF VARIOUS STUDIES ASSIGNED TO THE COMMITTEE IN COMPLIANCE OF ORDER DATED 09/7/2019 OF THE HON'BLE TRIBUNAL IN THE MATTER OF OA NO. 359/2019 (MOHAMMAD YUSUF ABDULLAH SHAIKH & ANR. VS. STATE OF MAHARASHTRA & ORS.)

1. Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the matter of OA no. 359/2019 (Mohammad Yusuf Abdullah Shaikh & Anr. Vs. State of Maharashtra & Ors.) passed the following orders dated 09/7/2019:

"...We also direct a Joint Committee comprising representatives of Ministry of Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB), MSPCB and the Malegaon Municipal Corporation to undertake health survey and the carrying capacity assessment of the area and assess Comprehensive Environmental Pollution Index (CEPI) in and around Malegaon for taking decision regarding the permission for operation of polluting activities. The Committee may make an assessment of the damage to the environment and public health in the last three years. The Committee may consider the air quality of the area. The Committee may visit the site after public notice and hear the members of the public who may choose to appear. The Committee may ascertain the status of actual closure of the units on record and recommend preventive safeguards and remedial action to be taken having regard to the ground situation. The District Magistrate will provide necessary security or other support. The representative of the CPCB will be the nodal agency for coordination and the compliance. The Committee may file its report within two months by e-mail at judicial-ngt@gov.in..."

2. In compliance of the aforesaid orders, the Joint Committee comprising representatives of Ministry of Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB), MSPCB and the Malegaon Municipal Corporation:
 - (i) held meeting on 22/8/2019 in Malegaon. Minutes of the meeting is given at **Annexure I**;
 - (ii) conducted public hearing on 22.08.2019 by publishing notice in this regard in three local newspapers namely The Sham Nama (Local Urdu), The Times of India (English) and the DainikSakal (Marathi) on 17.08.2019. Minutes of the

public hearing is given at **Annexure II** and CD containing recorded video of the public hearing is also attached herewith;

(iii) carried out field visits on 22/8/2019 and 24/8/2019 so as to:

(a) ascertain the status of actual closure of the units engaged in plastic related activities and sizing units and recommend preventive safeguards and remedial action. Report on the same is given at **Annexure III**;

(b) observe environmental management and possible health impact based on representations received during the aforesaid public hearing conducted on 22/8/2019. Report on the same is given at **Annexure IV**.

3. That based on observations as outlined in the aforesaid reports, findings and preventive safeguards and remedial action thereof have also been reported by the committee in the said reports. The same are as below:

A. Findings

(a) Plastic related activities

(i) List of 203 units reported (by Malegaon Municipal Corporation) to be engaged in plastic related activities is not comprehensive. There could be more units engaged in plastic related activities in Malegaon. Further, such list does not have information about type of activities being carried out in terms of storage or sorting or recycling of waste plastics or manufacturing of pipes from plastic lump (Gitti) derived from waste plastic recycling.

(ii) Of all plastic waste recycling units, whom closure directions have been issued by Maharashtra Pollution Control Board (MPCB) and power supply disconnection has reportedly been done by Maharashtra State Electricity Distribution Corporation Ltd. (MSEDCL), not all units have closed their operations effectively.

Further, plastic waste recycling units are also operational which are not in inventory list of MMC/MPCB.

(iii) None of the units visited were having display board displaying the unit's name and address;

(iv) Plastic waste recycling activities are carried out with low investment in small sized area (as small as of about 1000 sq. feet) having temporary built structures. Non-installation of Display Board outside such recycling units makes identification of the unit difficult.

(v) Some of the plastic (not plastic waste) related activities like manufacturing pipe from recycled plastic (plastic lump i.e. Gitti derived by recycling plastic waste) procured from outside, are operating without possessing Consent to Operate from MPCB and also without air pollution control devices.

(vi) Plastic related activities are also located in vicinity of residential houses.

(b) Sizing units and use of plastic waste as fuel

(i) Of 127 sizing units, 24 sizing units, who were refused CTO or not applied for CTO, are operational. MPCB informed that closure direction to such units are under progress.

(ii) Use of plastic waste as fuel was found in one of the four visited units and, therefore, it may be implied that use of plastic waste as fuel in a few of the sizing units are going on.

B. Preventive safeguards and remedial action to be taken

(a) Plastic related activities

Since no plastic waste recycling unit in Malegaon has been granted Consent to Operate and Registration (as required under under Rule 13(3) of the Plastic Waste Management Rules 2016) by MPCB, operation of any plastic waste recycling unit needs to be closed until the said Consent to Operate and Registration are granted by MPCB. For effective stoppage of illegal recycling of waste plastic, the following is recommended:

(i) Nos. of units engaged in plastic related activities in Malegaon be jointly inventoried by Malegaon Municipal Corporation, MPCB and MSEDCL by 25.09.2019. During such inventorization, owner's details, detailed address of the unit with survey no., gut no., electricity connection owner's name, distance from nearest residential building, etc. and type of activities may also be listed.

(ii) Installation of Display Board at the gates of units engaged in plastic related activities (whether open or closed) may be ensured by MMC/MPCB for their easy identification.

(iii) Upon the above inventorization, MPCB may immediately issue closure directions to remaining units, who are illegally engaged in plastic related activities. MSEDCL may also disconnect power supply to such units.

- (iv) The closure be implemented in field by sealing of the gates and permanent disconnection of power supply with the help of Police and District Administration.
- (v) As preventive measures for effective closure of illegal plastic waste recycling, till such recycling units are permitted in Malegaon in accordance with law, plastic waste storage godowns shall also be closed.
- (vi) Till MPCB grants Consent to Operate and Registration for recycling of plastic wastes, Police, Road Transport Authority and Malegaon Municipal Corporation to ensure that no vehicles carrying plastic waste enter into Malegaon city area for unloading the same.
- (vii) District Administration, Police and Malegaon Municipal Corporation may ensure that the plastic waste recycling activities do not scatter at other places once such activities are closed/sealed in Malegaon.
- (viii) MPCB may publish warning in local newspapers that plastic waste recycling and pipe manufacturing are not permitted unless requisite Consent to Operate has been obtained by MPCB. Non-compliances shall attract imprisonment up to five years with fine as stipulated under section 15 of the Environment (Protection) Act, 1986.

(b) Use of plastic waste in boiler of Sizing units

- (i) To check use of plastic waste as fuel along with wood, MPCB may become more vigil. A warning in local newspapers may be published by MPCB that plastic waste as fuel in any of the activities including sizing units is not permitted. Non-compliances shall attract imprisonment up to five years with fine as stipulated under section 15 of the Environment (Protection) Act, 1986.
- (ii) The 24 operational sizing units, who have not applied for Consent to Operate (CTO) or CTO was refused by MPCB, shall immediately be closed by MPCB. The status of 04 units found closed during survey by MPCB is also required to be properly verified by MPCB and MMC.
- (iii) All sizing units (whether open or closed) may be directed to install display board at their gates displaying the unit's name and address for their easy identification.

4. With regard to pollution and health impact from other sources/activities such as Power looms; Dyeing; Municipal waste dumping site at Sangameshwar, Chandanpuri road, Malegaon; Solid waste and sewage in municipal area, and; Road dust and emissions from vehicles plying; as represented by public during the aforesaid public hearing conducted on 22/8/2019 in Malegaon, observations/findings of the joint committee are given in the Minutes of the public hearing and Report on site visits by the Joint Committee based on the said public hearing as at Annexure II and Annexure III respectively. Preventive measures and remedial safeguards, as suggested by the committee in the said minutes/report, are as below:

(i) PPE such as Mask and ear plugs shall be used by workers in power loom;

(ii) MPCB may carry out feasibility studies of noise control measures such as noise barriers, technology interventions in power loom machine, etc. and lint management through expert institute which can be implemented in power loom units being operated even in households so as to comply with noise standards prescribed under the Noise Pollution (Regulation and Control) Rules, 2000.

(iii) Inventory of power loom and yarn dyeing in Malegaon (with name of owners, detailed address, nos. of power loom, etc.) may be carried out jointly by MMC, MPCB and MSEDCL.

(iv) Since power loom operation and yarn dyeing require Consent from MPCB, the same may not be allowed unless the said Consent is given by MPCB. However, large number of people are engaged in power looming activity in Malegaon. While issuing consent, MPCB may ensure that the power loom unit has noise control measures (as suggested under (ii) above) and lints management in place and dyeing operation has proper emission control arrangement and ETP.

(v) MMC shall:

(a) Collect municipal solid waste on regular basis, and;

(b) Commission the proposed sanitary landfill site at the site within the expected schedule of 28.02.2021.

The above may be monitored by the Divisional Commissioner who conducts monthly review meetings of ULBs for review and monitoring of the progress of the implementation of the Solid Waste Management Rules, 2016 (as per report of the Chief Secretary, Govt. of Maharashtra, submitted dated

05/4/2019 before the Hon'ble National Green Tribunal, Principal Bench, in the matter of OA No. 606/2018). Upon commissioning of the said landfill, the solid waste dumpsite at Sangameshwar need to be remediated.

- (vi) The proposed sewage treatment plant may be commissioned within the expected schedule of December 2021 by MMC. The Project Management Consultant under the Department of Water supply sanitation, Govt. of Maharashtra, may ensure the completion within the said time frame. MMC may ensure time bound commissioning of underground sewage network instead of open sewage drains. Till the same is commissioned, MMC shall carry out control measures such as spray of insecticides, cleanup of drains, etc. regularly.
- (vii) Though no significant road dusts were observed because of monsoon season despite existence of non-metallic roads. The concerned agency of Malegaon may ensure regular sweeping of roads and time bound development of metallic roads in Malegaon.
- (viii) Traffic Department may study hotspots of vehicle congestion, if any, in Malegaon and take necessary control measures.
- (ix) Minutes of the hearing and this verification report alongwith recorded proceedings of the of the of the hearing be sent to MMC, District Administration, Traffic Police and MMC for taking effective measures as raised by the public.

5. TIME FRAME FOR COMPLETION OF VARIOUS STUDIES ASSIGNED TO THE COMMITTEE

That with regard to other tasks assigned to the committee of assessing Damage to public health in last three years, Health survey; Carrying capacity assessment of the area; Assessment of CEPI, and; Assessment of damage to the environment in and around Malegaon, the following submission (as given at Annexure I) has been made by the committee:

"In view of non-availability of primary environmental data (air, water and soil quality) which require to be generated by field monitoring/sampling & analysis after monsoon (i.e. September/October 2019) and that expert institute/Lab would require to be identified, their ToR be finalized followed by award of work, the expected time schedule for completing various studies viz. assessment of Damage to public health in last three

years, Health survey; Carrying capacity assessment of the area, Damage to the environment and; CEPI; may be as below:

Sl. No.	Activities	Completion schedule
1.	Environmental/Health Sampling & Monitoring	Nov – Dec 2019
2.	Laboratory analysis of samples	Mid of Jan. 2019
3.	Scientific analysis of data and draft report preparation by expert institute	Mid of Feb. 2020
4.	Review and discussion by the Committee on the draft report	Feb. 2020
5.	Finalisation of reports and submission to the Hon'ble Tribunal	March 15, 2020

The above time schedule may be submitted for kind consideration of the Hon'ble Tribunal. Along with the aforesaid study reports, the committee can also submit updated status as (on January 2020) of action taken by various agencies on plastic waste handling activities and sizing units in Malegaon vis-à-vis recommendations of made by this committee based on visits made on 22.8.2019 and 24.8.2019 or as directed by the Hon'ble Tribunal."

It is humbly prayed that the Hon'ble Tribunal may kindly consider the above submissions of the joint committee.



09/19/2019

(Bharat Kumar Sharma)
Scientist E
Central Pollution Control Board

Minutes of meeting of the Joint Committee constituted by the Hon'ble National Green Tribunal vide orders dated 09.07.2019 in the matter of OA 359/2019

1.0 Background

The orders dated 09.07.2019 of the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the matter of OA no. 359/2019 (Mohammad Yusuf Abdullah Shaikh & Anr. Vs. State of Maharashtra & Ors.) is reproduced as below:

"...We also direct a Joint Committee comprising representatives of Ministry of Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB), MSPCB and the Malegaon Municipal Corporation to undertake health survey and the carrying capacity assessment of the area and assess Comprehensive Environmental Pollution Index (CEPI) in and around Malegaon for taking decision regarding the permission for operation of polluting activities. The Committee may make an assessment of the damage to the environment and public health in the last three years. The Committee may consider the air quality of the area. The Committee may visit the site after public notice and hear the members of the public who may choose to appear. The Committee may ascertain the status of actual closure of the units on record and recommend preventive safeguards and remedial action to be taken having regard to the ground situation. The District Magistrate will provide necessary security or other support. The representative of the CPCB will be the nodal agency for coordination and the compliance. The Committee may file its report within two months by e-mail at judicial-ngt@gov.in..."

2.0 The Joint Committee

Meeting of the joint committee was convened on 22.08.2019 at 12:00 hours in the Conference Room of Malegaon Municipal Corporation (MMC), Malegaon. The following officials represented Central Pollution Control Board (CPCB), Maharashtra Pollution Control Board (MPCB) and MMC in the said meeting:

Sl. No.	Organization	Name of official
1.	CPCB	Shri Bharat Kumar Sharma, Scientist E Dr. Arvind Kumar Jha, Scientist D
2.	MMC	Shri Kishor Borde, Commissioner
3.	MPCB	Dr. J.B. Sangewar, Regional Officer , MPCB Nashik

List of officials participated in the meeting is given at **Annexure-I (CM)**. Representative of MoEF&CC Mr. Suresh Kumar, Scientist D, Regional Office Nagpur, MoEF&CC, could not attend the meeting and hearing the public but joined in field visits in Malegaon on July 22 and 24, 2019. Dr. Shyam Pingle, Senior Occupational Health Specialist and Adjunct Professor, Indian Institute of Public Health (IIPH), Gandhinagar, Gujarat, also attended the meeting as special invitee.

3.0 Discussion outcome during meeting

The following observations were made during the said meeting with regard to carrying out the tasks assigned to the Committee by the Hon'ble Tribunal vide the aforesaid orders based on discussion and information by respective participants.

3.1. Malegaon and environmental issues:

Malegaon is having mixed settlements of industrial, residential and commercial establishments. In the year 2011, area of MMC jurisdiction was expanded to 67.45 km² from 12.95 Km². The population of MMC area was about 4.1 lakhs which has increased to about 5.9 lakhs taking into account the said area expansion. At present the population of MMC area is about 7 lakhs.

There are two rivers namely Mausam and Girna. River Mausam enters into Malegaon and converge to river Girna. Plastic/Plastic waste related activities such as plastic lump (Gitti) manufacturing by recycling of plastic waste and plastic product (mainly pipe) manufacturing, Sizing and Power loom (Textiles related activity), Animal slaughtering and Black soap manufacturing are main industrial activities in Malegaon. These industries are located mixed with residential settlements mainly in eastern part of the city and partly at western and southern part of the city. Detail Maps of the city showing rivers and settlements in the earlier and current jurisdiction of MMC are given at **Annexure-II (CM)** and **Annexure-III (CM)** respectively.

Malegaon currently does not have proper landfill site and municipal solid waste is dumped at Sangameshwar, Chandanpuri Road, Malegaon, which is situated at the Bank of River Girna. Sewage is channelized through open drains to River Mausam and Girna without treatment. The drinking water is supplied from Girna Dam which is about 40 km from Malegaon in downstream of city.

3.2 Number of units engaged in plastic related activities, Sizing and Power loomng

The committee was informed that MMC has initially provided list of 185 units engaged in plastic related activities in Malegaon to MPCB and thereafter another 18 units were also informed. No plastic waste recycling unit has been granted Consent to Operate by MPCB in Malegaon.

Of the said 203 nos. of units, initially 14 units were inspected by MPCB in compliance with orders dated 02.07.2018 of the Hon'ble NGT. Since all these 14 units were found operating without consent, MPCB issued closure directions under section 33A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of Air (Prevention & Control of Pollution) Act, 1981 on 11.07.2018 (05 nos.) and 20.04.2019 (9 nos.). Thereafter, MPCB surveyed another 135 units during 16.07.2018 to 01.08.2018 and 04.08.2018 to 08.08.2018 but all these 135 units were found locked from outside. As a result, MPCB issued directions for not to start on 14.08.2018 and further closure directions on 06.07.2019, Maharashtra State Electricity Distribution Corporation Ltd. (MSEDCL) was also directed by MPCB to disconnect power supply to all the said 149 units (14 and 135 units) to whom closure directions were issued.

MPCB informed that verification of all the aforesaid 149 units, whom closure directions were issued, is under progress by MPCB w.r.t. actual status of effective closure. During July 23-25, 2019, MPCB verified 142 units of the said 149 units and found that some of the said 142 units are not engaged in waste plastic related activities. The units engaged in plastic waste recycling were found non-operational. The committee opined that there is a need to prepare comprehensive list of units engaged in plastic related activities.

With regard to sizing units, MMC has provided list of 107 sizing units to MPCB. MPCB surveyed sizing units in Malegaon and found another 20 sizing units and, therefore, as per records available with MPCB, currently there are 127 sizing units identified in Malegaon. Sizing units are given consent to operate by MPCB with wood as fuel to be used in their boiler.

During meeting, Malegaon Municipal Corporation (MMC) informed that about 2,45,000 power looms are estimated to be operated in Malegaon. In one unit, there could be one or several numbers of power looms. Such units are scattered in residential areas and also operated within residential premises. MMC does not have precise list of units operating power looms in Malegaon.

3.3 Availability of data for assessing damage to the health in last three years and carrying out health survey

In order to carry out the above studies, it was opined that health related data would also be required from healthcare facilities of the city. The Committee discussed the matter with representative of Health Department of MMC. It was informed that about 15% cases of respiratory related disease were reported in OPD which has increased to about 25%. However, historical health related data of Malegaon of past years were not available in compiled form. The same needs to be provided by the Health Department of MMC by 20-09-2019.

Dr. Shyam Pingle, IIPH, Gandhinagar, Gujarat suggested that plastic related units engaged in melting of waste plastics or virgin plastics may emit volatile organic compounds (VOCs). The power loom industries may be a significant source of noise in residential areas. Therefore, VOC monitoring in work zone and around few of such plastic waste melting units may require to be carried out. Assessment of noise pollution in and around power loom industries may be required for assessment of damage to the health since such units are located in areas where people are also residing. However, feasibility of sampling and analysis of various relevant VOCs and their correlation with health need to be examined before deciding such VOC monitoring.

3.4 Availability of data for assessing damage to the Environment in last three years, assessment of carrying capacity and Comprehensive Environmental Pollution Index (CEPI)

It was opined that secondary data of traffic, industrial settlement locations having sources of emissions including VOC with coordinates and health related records from health care facilities are required. The data related to meteorology, ambient air quality, ground water quality, surface water quality and soil quality and emissions are not available. Therefore, the secondary data compilation (traffic, health, etc.) and primary data (environmental quality data) are required to be generated to carryout aforesaid studies.

3.5 Public hearing and site visit

The public hearing has been scheduled on 22.08.2019 at 15:00 hours at the Hall of Hotel Maratha Darbar, Malegaon. Public notices were issued by MPCB in English, Urdu and Marathi in three different local newspapers namely Sham Nama (Local Urdu), Times of India (English) and Dainik Sakal (Marathi) on 17.08.2019 informing the date, time, venue and purpose of public hearing. MPCB informed that the District Magistrate, Additional District Magistrate and Additional Superintendent of Police have been informed by MPCB to provide the security support during public hearing. It was opined that sites visits may be carried out after the public hearing.

4.0 Decisions taken during the meeting

Following decisions were taken to comply with aforesaid orders dated 09.07.2019 of the Hon'ble Tribunal:

A. Public hearing and site visits

The committee shall review various representations given by public during the scheduled public hearing on 22/8/2019 and shall make visit to a few sites thereafter to ascertain the facts.

B. Status of number of units engaged in plastic related activities & status of actual closure of units on records.

The committee shall make random spot verification about closure status of the units by making site visits on 22.8.2019 and 24.8.2019.

MPCB, MMC and MSEDCL shall jointly survey the area to list out units (either closed or operational) engaged in plastic related activities and sizing units in Malegaon with listing of owner's details, detailed address of the unit and type of activities. The inventory be submitted by MPCB to committee as early as possible but not later by 25.09.2019.

C. Availability of data for assessing damage to the health in last three years and carrying out health survey

- i. MPCB Regional Office shall identify and hire laboratory for sampling & analysis of VOCs and other required parameters, if any.
- ii. CPCB shall identify and engage expert institute in consultation with the committee for the health survey study and assessment of damage to the public health in last three years.
- iii. After finalization of laboratory by MPCB and the said institute, the Committee shall finalize sampling locations for VOCs and other parameters, as applicable, for the purpose of carrying aforesaid studies.
- iv. Health Department, MMC, shall provide historical health related data of Malegaon of past years (at least of past five years) to CPCB by 15.09.2019.

D. Availability of data for assessing damage to the Environment in last three years, assessment of carrying capacity, damage to the environment and Comprehensive Environmental Pollution Index (CEPI)

- i. Town Planning department will provide the area details with map of Malegaon showing industrial settlements by 10.09.2019 along with coordinates and demarcation of industrial locations. The digitized map should be emailed and hard copy to be submitted at MPCB Regional Officer Nasik.

- ii. RTO will provide the monthly details of vehicles plying/registered in Malegaon including nos. of trucks entering Malegaon with plastic waste and going out with finished products. The said monthly details from August 2019 onwards be sent within a week of completed month by email and hard copy to MPCB Regional Officer, Nasik.
- iii. MPCB shall identify and engage NABL accredited/ MoEF&CC recognized laboratory for monitoring of various environmental parameters required to be monitored for assessing the environmental carrying capacity, environmental damage and CEPI score (meteorology, ambient air quality, surface water, Groundwater and soil). Sampling/ monitoring of various environmental parameters for carrying capacity assessment, CEPI assessment and damage to the environment may be carried out after rainy season i.e. after September 2019.
- iv. The parameter of monitoring will be finalized by the committee and communicated to MPCB Regional Officer, Nasik.
- v. After finalization of laboratory by MPCB, the Committee shall finalize sampling location for environmental monitoring for the purpose of carrying aforesaid studies.
- vi. CPCB shall identify and engage expert institute in consultation with the committee for assessment of carrying capacity and assessment of damage to the environment in last three years.
- vii. Committee in consultation with CPCB will assess CEPI upon generation of environmental data.

In view of non-availability of primary environmental data (air, water and soil quality) which require to be generated by field monitoring/sampling & analysis after monsoon (i.e. September/October 2019) and that expert institute/Lab would require to be identified, their ToR be finalized followed by award of work, the expected time schedule for completing various studies viz. assessment of Damage to public health in last three years, Health survey; Carrying capacity assessment of the area, Damage to the environment and; CEPI; may be as below:

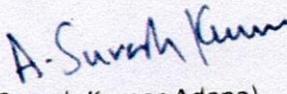
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2.	Laboratory analysis of samples	Mid of Jan. 2019

3.	Scientific analysis of data and draft report preparation by expert institute	Mid of Feb. 2020
4.	Review and discussion by the Committee on the draft report	Feb. 2020
5.	Finalisation of reports and submission to the Hon'ble Tribunal	March 15, 2020

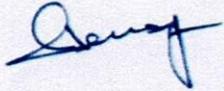
The above time schedule may be submitted for kind consideration of the Hon'ble Tribunal. Along with the aforesaid study reports, the committee can also submit updated status as (on January 2020) of action taken by various agencies on plastic waste handling activities and sizing units in Malegaon vis-à-vis recommendations made by this committee based on visits made on 22.8.2019 and 24.8.2019 or as directed by the Hon'ble Tribunal.

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(Bharat K Sharma)
Scientist E, CPCB


(Suresh Kumar Adapa)
Scientist D, MoEF&CC
Regional Office,
Nagpur

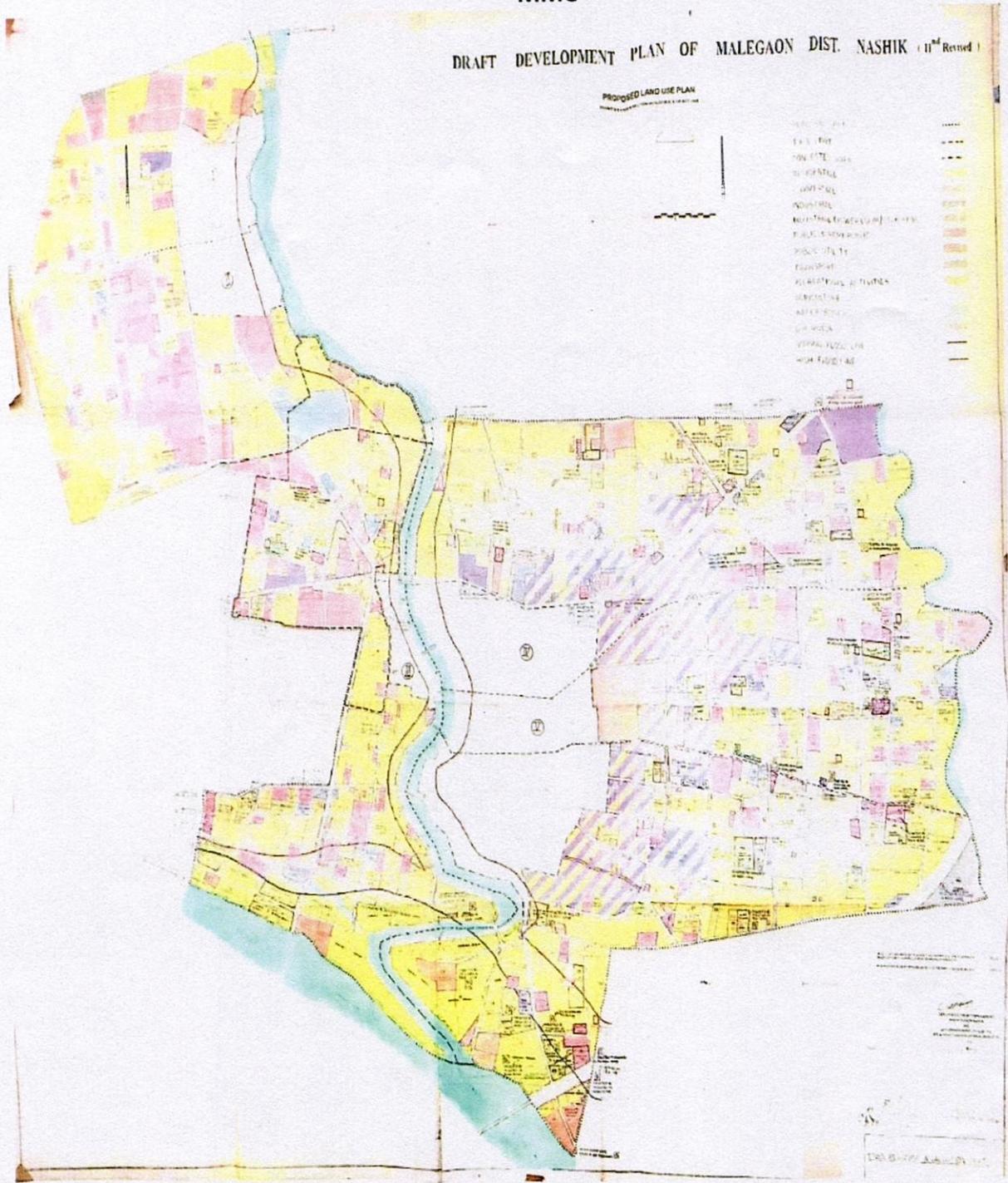

(Kishor Borde)
Commissioner,
Malegaon Municipal
Corporation, Malegaon


(J.B. Sangewar)
Regional Officer,
MPCB-RO, Nashik

Annexure – I (CM)**List of officials participated in the meeting at Malegaon Municipal Corporation on 22/8/2019**

Sl. No.	Name	Designation	Organisation
1.	Shri Kishor Borde	Commissioner	Malegaon Municipal Corporation
2.	Shri Bharat Kumar Sharama.	Scientist E	Central Pollution Control Board (CPCB)
3.	Dr. Arvind Kumar Jha	Scientist D	CPCB Regional Directorate, Vadodara
4.	Dr. Shyam Pingle	Special Invitee	IIPH, Gandhinagar
5.	Shri Nitin Rajaram Kapadnis	Deputy Commissioner	Malegaon Municipal Corporation
6.	Dr. B. K. Tribhavan	Health Officer	Malegaon Municipal Corporation
7.	Mr. Sanjay Janardan Jadhav	Town Planner-II	Malegaon Municipal Corporation
8.	Shri Pawar Sanjay Dadaji	Chief Fire Officer	Fire Brigade, Malegaon.
9.	Dr. J.B. Sangewar	Regional officer	MPCB, Nashik
10.	Shri A.M. Kare	Sub-Regional officer	MPCB, Nashik
11.	S Shri anjiv Rahedasani	Field officer	MPCB, Nashik
12.	Shri Kushal Aucharmal	Field officer	MPCB, Nashik
13.	Shri D.B. vasava	Field officer	MPCB, Nashik
14.	Shri Manish Mahajan	Field officer	MPCB, Nashik
15.	Shri Narendra D Jadhav	ARTO	RTO, Malegaon

Map of Malegaon showing rivers and settlements in the earlier jurisdiction of MMC



MINUTES OF THE PUBLIC HEARING CONDUCTED ON 22.08.2019 AT MALEGAON IN COMPLIANCE OF ORDERS DATED 09.07.2019 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (PB) IN THE MATTER OF OA NO. 359/2019.

Hon'ble National Green Tribunal, Principal Bench, New Delhi, has passed orders of dated 09.07.2019 in the matter of OA No. 359/2019 (*Mohammad Yusuf Abdullah Shaikh & Anr Vs. State of Maharashtra & Ors*). Relevant part of the said orders reads as:

"...The committee may visit the site after public notice and hear the members of the public who may choose to appear..... The District Magistrate will provide necessary security or other support..."

In compliance with the aforesaid order, public hearing was scheduled on 22.08.2019 at 15:00 hours at Hotel Maratha Darbar, Malegaon, by Maharashtra Pollution Control Board (MPCB). Public notice in this regard was published in three local newspapers namely The Sham Nama (Local Urdu), The Times of India (English) and the Dainik Sakal (Marathi) on 17.08.2019. Copy of the public notice is given at **Annexure-I (PH)**. The District Magistrate, Nashik, was informed by MPCB about the scheduled hearing and requested to provide security or other support forwarding a copy of the aforesaid orders of the Hon'ble Tribunal. Copy of letter sent to the District Magistrate, Nashik, in this regard by MPCB is given at **Annexure-II (PH)** which was also received by The Additional Collector, Malegaon and Additional Superintendent of Police, Malegaon.

The scheduled public hearing was carried out by the joint committee constituted by the Hon'ble Tribunal and the following officials represented Central Pollution Control Board (CPCB), Maharashtra Pollution Control Board (MPCB) and Malegaon Municipal Corporation (MMC):

Sl. No.	Organisation	Name of official
1.	CPCB	Shri Bharat Kumar Sharma, Scientist E Dr. Arvind Kumar Jha, Scientist D
2.	MMC	Shri Nitin Kapadnish, Deputy Commissioner
3.	MPCB	Dr. J.B. Sangewar, Regional Officer, MPCB Nashik

List of other officials participated in the said hearing is given at Annexure-III. Representative of Ministry of Environment Forests & Climate Change (MoEF&CC) - Shri Suresh Kumar, Scientist D, MoEF&CC Regional Office Nagpur, could not attend the public hearing but joined in subsequent field visits in Malegaon during July 23-24, 2019.

More than 500 people participated in the public hearing including the local public representatives such as MLA and Corporators. However, attendance of only 140 public could be obtained during the meeting [**Annexure-III (PH)**]. The necessary logistic arrangements for the hearing were provided by

MPCB. The public hearing was also recorded by videography and pen drive containing recorded video is attached herewith.

Dr. J.B. Sangewar, Regional Officer of MPCB, Nashik briefed objective of the hearing citing the above-stated orders of the Hon'ble Tribunal. Public present were then invited to express environmental concerns in their locality and pollution issues.

In between the proceeding of the public hearing, nuisance/disturbance inside the hall was created by some public including handling with chairs for a few moments but public hearing was completed smoothly. Police was present in the hall throughout after the said nuisance/disturbance.

Public orally raised their environmental pollution concern including health related issues. Written representations were also submitted during the meetings.

1.0 Representations during public hearing:

Public raised their environmental pollution concerns including health related issues. Written representations were also submitted during the hearing. A total of 425 representations (389 written and 36 oral) were received. Out of 425 representations, 109 written and 04 oral representations did not highlight pollution issue but were in favour continuing plastic waste recycling in the city. Therefore, 312 representations are about environmental pollution impacts and health issues in Malegaon.

The aforesaid 312 representations about environmental pollution impacts and health issues were with regard to activities associated with power looms, waste plastic recycling (Gitti Manufacturing), sizing, improper management of sewage, sewage drains, municipal solid waste and Traffic. Environmental impacts from other sources such as Slaughter houses, Soap manufacturing and Bone mill were also informed. Respiratory related diseases, deafness, malaria, dengue, etc. were informed to be associated with pollution due to the said activities. Activity wise representations about environmental pollution and health impacts are as below:

Table-1. Activities wise environmental pollution and health impact informed by Public during the Public hearing

Sr.No.	Type of Industry/ Agency	Numbers of representation/s
1	Gitti*	2
2	Soap	1
3	Gitti* + MMC + Slaughter house	2
4	Power Loom	4

MPCB. The public hearing was also recorded by videography and pen drive containing recorded video is attached herewith.

Dr. J.B. Sangewar, Regional Officer of MPCB, Nashik briefed objective of the hearing citing the above-stated orders of the Hon'ble Tribunal. Public present were then invited to express environmental concerns in their locality and pollution issues.

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1	Gitti*	2
2	Soap	1
3	Gitti* + MMC + Slaughter house	2
4	Power Loom	4

5	Power Loom + Sizing	3
6	Sizing + Bone Mill	1
7	Slaughter House	2
8	Sizing	8
9	Sizing + Gitti*	6
10	MMC	112
11	MMC + Police	1
12	MMC + Power Loom	3
13	MMC + RTO	94
14	MMC + RTO + Gitti*	1
15	MMC + RTO + MPCB	1
16	MMC + RTO + Power Loom	4
17	MMC + RTO + Sizing	2
18	MMC + Sizing	9
19	MMC + MPCB + Sizing + Power Loom	3
20	Police	1
21	Power Loom + RTO	6
22	RTO	12
23	Power Loom + RTO + MMC	1
24	Power Loom + MMC	4
25	Power Loom + MMC + RTO	5
26	Revenue	1
27	RTO + MMC + Police	1
28	Sizing + Gitti* + MMC	10
29	Police + MMC + Sizing	2
30	Sizing + RTO	1
31	Sizing + RTO+ MMC+ Other	7
32	MMC+ Food safety	1
33	MMC+Dyeing	1
	Total	312

*Plastic waste recycling where Gitti (plastic lump) is produced.

Categories of pollution and associated health impact among the aforesaid 312 representations are tabulated as below:

Table-2. Representations on categories of pollution and associated health impact

Sr. No	Categories of pollution and associated health	Numbers of representation/s
1	Air	84
2	Air + Noise	3
3	Air + Water	101
4	Air + Health	8
5	Air + MSW	4

6	Air + Noise + Health	2
7	Air + Water + Health	9
8	Air + Water + Health + Noise	1
9	Air + Water + Noise	2
10	General Pollution (Air + water +solid waste +noise) and other aspects	38
11	Health	1
12	MSW	15
13	MSW + Health	7
15	Noise	9
14	Noise + Health	2
15	Waste plastic and associated guidelines	3
16	Water	21
17	Water + Noise + Health	1
18	Several aspects of pollution in Malegaon	1
	Total	312

2.0 Decisions:

Based on the above representations during the public hearing, the committee decided to visit the following activities so as to observe environmental management and possible health impact thereof:

- (i) Plastic related activities;
- (ii) Sizing units;
- (iii) Power looms;
- (iv) Dyeing and coloured fabric manufacturing using power looms;
- (v) Municipal waste dumping site at Sangameshwar, Chandanpuri road, Malegaon;
- (vi) Solid waste and sewage in municipal area, and;
- (vii) Road dust and emissions from vehicles plying

-----o-----


(Bharat K Sharma)
Scientist E, CPCB


(Suresh Kumar Adapa)
Scientist D, MoEF&CC
Regional Office,
Nagpur


(Kishor Borde)
Commissioner,
Malegaon Municipal
Corporation, Malegaon


(J.B. Sangewar)
Regional Officer, MPCB-
RO, Nashik

Public notice published in Newspapers

**महाराष्ट्र प्रदूषण नियंत्रण मंडळ,
प्रादेशिक कार्यालय, नाशिक**

जाहीर सूचना

मा. राष्ट्रीय हरित लवाद, मुख्य खंडपीठ, दिल्ली यांनी मालेगाव शहरातील प्रदूषणाबाबत अर्ज क्र. ३५९/२०१९ ला अनुसरून दि. ०९.०७.२०१९ रोजी आदेश पारित केले आहेत. सदर आदेशान्वये पर्यावरण, वन व हवामान बदल मंत्रालय, केंद्रीय प्रदूषण नियंत्रण मंडळ, महाराष्ट्र प्रदूषण नियंत्रण मंडळ व मालेगाव महानगरपालिकेचे प्रतिनिधी यांची संयुक्त समिती मालेगाव शहरातील प्रदूषणाबाबत जनतेचे म्हणणे जाणून घेणार आहे. त्यास अनुसरून जनतेस आपले म्हणणे खालील ठिकाणी व वेळेस मांडण्यासाठी आवाहन करण्यात येत आहे.

दिनांक : २२.०८.२०१९
वेळ : दुपारी ३:०० ते ५:०० वाजता
ठिकाण : हॉटेल मराठा दरबार हॉल, स्टेट बँक इंडियासमोर, बारा बंगला परिसर, मालेगाव, ता. मालेगाव, जि. नाशिक

सही/-
प्रादेशिक-अधिकारी
मप्रनि, मंडळ, नाशिक

वे. सकाळ,

१७ ऑगस्ट, २०१९, शनिवार,

पान नं - ०९

**Maharashtra Pollution Control Board,
Regional Office, Nashik**

Public Notice

The Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed an Order dtd. 09.07.2019 in the application no. 359/2019, regarding pollution in the Malegaon city. As per the said Order a Joint Committee comprising of representatives of Ministry of Environment, Forest and Climate Change (MoEFCC), Central Pollution Control Board (CPCB), MPCB and the Malegaon Municipal Corporation is constituted to hear the public regarding pollution in the Malegaon city and the details of the visit date, time and venue of the said committee is as hear under-

Date - 22.08.2019
Time - 3:00 to 5:00 pm
Venue - Hotel Maratha Darbar Hall, Opp. State Bank of India, Bara Bunglow area, Malegaon Tal. Malegaon Dist. Nashik

Sd/-
Regional Officer,
MPCB, Nashik

The Times of India .

Saturday , Aug 17, 2019

Page No. 7.

مہاراشٹر پولیوشن کنٹرول بورڈ ریجنل آفس ناسک
اطلاع عام نوٹس

پیش گریں ٹریبل کی معززہ سہیل سیخ کے شی دہی کے مہاری کردہ آرڈر تاریخ 09:07:2019 جس کا ریفرنس نمبر 359/2019 کے مطابق مایگاؤں میں آلودگی کے لئے مہاری کردہ آرڈر کی روشنی میں ایک جوائنٹ کمیٹی تشکیل دی گئی ہے۔ اس کمیٹی میں وزارت ماحولیات، وزارت جنگلات، سینٹرل پولیوشن کنٹرول بورڈ، مہاراشٹر پولیوشن کنٹرول بورڈ اور مایگاؤں میونسپل کارپوریشن کو شامل کیا گیا ہے۔ مایگاؤں میں آلودگی کے تعلق سے یہ کمیٹی عوامی طور پر سماعت کرے گی۔ جس کی تفصیل ذیل کے مطابق ہے۔

تاریخ : 22-08-2019

وقت : 3:00 بجے سے شام 5:00 بجے تک

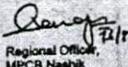
بکہ : ہوٹل مراٹھا داربار، روڈ پروانٹھٹ بینک آف انڈیا، بارہ بنگلہ علاقہ مایگاؤں، ضلع ناسک

ریجنل آفس
MPCB ناسک

 **Maharashtra Pollution Control Board,**
Regional Office, Nashik
Public Notice

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Date - 22.08.2019
Time - 3:00 to 5:00 pm
Venue - Hotel Maratha Darbar Hall, Opp. State Bank of India, Bars Bunglow area, Malegaon Tal. Malegaon Dist. Nashik


Regional Officer,
MPCB, Nashik

Printed and Published by SHOEB KHUSRO at AQSA OFFSET PRINTERS Mullabada Road, Malegaon Dist. Nasik. RNI No. 3834/86. Editor : DR. AHMED RIYAZ Proprietors: SHOEB KHUSRO, SHAKEB KHUSRO, ZOHEB KHUSRO.

Paper Name - Sham Nama Malegaon

17 Aug, 2019, Saturday

Page No. 02.

Information of the administration, Nashik & Administration, Malegaon regarding the public hearing

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② ad sp - 11

MAHARASHTRA POLLUTION CONTROL BOARD

Grams: PREPOLL
Tel. No. (0253) 2362820
Fax No. (0253) 2365150
e-mail: ronashik@mpcb.gov.in



Regional Office- Nashik,
UdyogBhavan, 1st floor,
Trimbak Road, MIDCComp.
Near ITI., Satpur, NASHIK-422007.

Important : NGT Matter -

L. No. MPCB/RONK/1875 /2019

Date : 16/8/2019.

To,
The District Magistrate, Nashik,
Dist. Nashik

Sub.: Application No.359/2019 reg.....
Ref.: NGT Order dtd. 09.07.2019 in the application no. 359/2019.

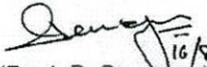
Sir,

The Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed an Order dtd. 09.07.2019 in the application no. 359/2019, regarding pollution in the Malegaon city. As per the said Order a Joint Committee comprising of representatives of Ministry of Environment, Forest and Climate Change (MoEFCC), Central Pollution Control Board (CPCB), MPCB and the Malegaon Municipal Corporation is constituted to hear the public regarding pollution in the Malegaon city and the details of the visit date, time and venue of the said committee is as hear under-

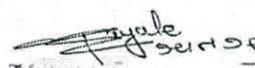
Date - 22.08.2019
Time - 3:00 to 5:00 pm
Venue - Hotel Maratha Darbar Hall, Opp. State Bank of India, Bara Bunglow area, Malegaon Tal. Malegaon Dist. Nashik

Further, in the said order it is mentioned that, "The District Magistrate will provide necessary security or other support." A copy of the above referred order is submitted herewith for information and further needful please.

DA : As above


(Dr. J. B. Sangawar)
Regional Officer, Nashik


लिपिक
अप्यर जिल्हाधिकारी कार्यालय
मालेगांव
18/08/2019


Regional Officer, Nashik

:2:

Copy submitted to:-

1. The Principal Scientific Officer, MPCB, Sion, Mumbai
2. The Regional Officer, MPCB, Nashik
3. The Law Officer, MPCB, Sion, Mumbai

Copy to :-

1. Shri. Arvind Kumar Jha, Scientist D, CPCB, Regional Directorate, Vadodara (Gujrat).
2. The Additional Collector, Malegaon.
3. The Additional Superintendent of Police, Malegaon.

Attendance of Public Hearing dated 22.08.2019

①

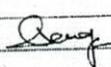
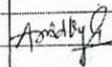
 महाराष्ट्र प्रदूषण नियंत्रण मंडळ, प्रादेशिक कार्यालय, नाशिक

मा.राष्ट्रीय हरित लवाद, मुख्य खंडपीठ दिल्ली यांचे अर्ज क्र. ३५९/२०१९ मध्ये पारीत केलेले आदेश दि. ०९.०७.२०१९.

संयुक्त समिती पर्यावरण, वन व हवामान बदल मंत्रालय, केंद्रीय प्रदूषण नियंत्रण मंडळ, महाराष्ट्र प्रदूषण नियंत्रण मंडळ व मालेगाव महानगरपालिका.

जनसुनावनी

दिनांक - २२.०८.२०१९
वेळ - दुपारी ३:०० ते ५:०० वाजता
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अ. क्र.	नाव व पत्ता	मोबाईल नंबर	स्वाक्षरी
१)	श्री. फिरोज बेई पुनर्जा प्रायुक्त. प्रादेशिक पालिकेची निमित्त कार्यालय अजयव.	९९२००९४३५३	
२)	श्री. जे. बी. संतोष म. प्र. जि. मंडळ, नाशिक		
३)	श्री प्रवृत्त कुमार शर्मा CPCB. Regional Director.	९८६८२७८२७८	
४)	डा. पिंडारे.		
५)	हरिभद्र कुमाव् इ.ए. Scientists - CPCB.	९७२७७९२६१८	
६)	L. B. Raut, Add. Collector, Malegaon	९९९९३३७०३	
७)	C. R. Rajput, Teh. Malegaon	९४२२३६०२५९	
	A. M. Kare SRO MCB Nashik.	९९५८६५९९१९	

Attendance of Public Hearing dated 22.08.2019

अ.सं.	नाम व पता	दूरधनी क्रमांक	स्वाक्षरी
8	अमरिन्द्र शर्मा 24/1/13	8657405365	111
9	अ. रेशम, रजक पि. जारु करा	7709707339	रेशम
10	आ. 0 हजाम रमल करगा 9	8830013354	आ. 0 हजाम
11	श. अमिन जयपुर	1890541862	
12	Idi Amin.	9890215786	
13	Ansari zeeshan md Ferooqee.	7020423252	
14	Ansari Ishtiyaque Ah. M.A.	7020221003	Ansari
15	Vilas-R. shah	8890982485	
16	Shabbir Ah. Deewan	9326784060	
17	Md. Yusuf Md. Yus.	9370035800	Yusuf
18	ANSARI SHAFEEQUE USMAN (S.V. Sizing)	9226960401	
19	ANSARI KHALID MANNAN (SANTOSH Sizing)	9325747500	16
20	Reliable Sizing works	9823091195	
21	Md. Tuzat Zaimuladhin Nari Sizing	9372712994	
22	Amir Sahul Ah. Yus	9076286000	
23	AM	9923500603	
24	र. अ. 15	9923500603	
25	र. अ. 15	8747111713	
26	Kalim mad Amin	9765228031	
27	-Asif Khan	9370866686	
28	Sultan Ali	9325553389	
29	Arif Tamboli	9370590835	
30	मो. अ. 15	9270705600	
31)	Khan	9822574311	
32)	आ. अ. 2. 2. 2	9028145928	
33)			
34)		9890141927	
35)	Saluddin	9890493482	
36)	अ. अ. 2	9372731328	
37)	अ. अ. 2	982941755	
38)	अ. अ. 2	9049771129	
39)	अ. अ. 2	982941755	
40)	अ. अ. 2		

Attendance of Public Hearing dated 22.08.2019

अ.क्र.	नाम व पता.	दूरधनी क्रमांक.	स्वाक्षरी
41)	विडी हीरोप राधाप	9834351723	WV
42)	श्यामल कान्ठ देवी	7020666973	श्यामल
43	दाफोला बापु शिंदे	9881114289	
44	जोस 13	9370759712	
45	Zulfca-Ah. M. Niyas	9422247816	तुफ
46	Jamila Daulat SH. Al.	9270444709	जेमि
47	Haris Qadi Roznama	9271612886	हरी
48	Adm. Harehad Jiwari, Malegaon camp	9422935483	हरी
49	Shahida Salim	9855555308	शाहिदा
50	SUFI AULAM RASUL QADRI	9822693232	सुफी
51	SUFI SAIED AHMED SANDI	9272766322	S. Sandi
52	Chiranjiv N. Aravathi	9890111210	चिरंजीव
53	Sachin G. Sonawane	932679045	सचिन
54	deepak Gopu. Shinde	9923388261	दीपक
55	मिनाय कान्ठ शिंदे	9765363303	मिनाय
56	अमर मुरारी	8888403075	अमर
57	शुजात मेहता शिंदे एडवो	9921358905	शुजात
58	शुजात मेहता शिंदे एडवो	9158338213	शुजात
59	Chandekant O. Yech (Malegaon)	9373231165	चंदेकान्त
60	Sandip R. Daspute malega	9823005213	संदीप
61	N.D. Shriv	937270818	N.D.
62	Prayanshi Pruthi	7741889828	प्रियंशु
63	Reheta Plast	7972845419	रेहता
64	शुजात मेहता शिंदे		
65	शुजात मेहता शिंदे		
66	Ms. Shakir	8623836471	शकिर
67	Mahmud S. Saman	9372409781	महमूद
68	Shams Junt	7771641431	शमस
69	शमस जंत	9373276353	शमस
70	Swami Samarth Samy	9049470185	स्वामी
71	Agaswari		
72	अगसवारी		
73	अहमद		

Attendance of Public Hearing dated 22.08.2019

Sl. No.	नाम व पता	सूचना संख्या	स्वाक्षर
74	Asani Amir Ahmad	9960650102	AS
75	Ismail Pathan Dym	902121238	IM
76	Pirish K. Tatal	982345653	PT
77	अमर सिंह	9960786884	AS
78	अमर सिंह	9960704786	AS
79	Pratik Patel		
80	Virendra Jain		
81	Nikhil B. Pawar	9422752010	NP
82	श्रीधर शिंदे	9146619124	SS
83	श्रीधर	702084218	
84	श्रीधर	9270329209	
85	Rahmani Mahomedur Rahman	9371712762	RR
86	Ramkadeshwar Dargach	9421289398	RD
87	UMAR KHAN Dewegun	9284356417	
88	Ahsan Ali Jaleel Ali	9028957677	AA
89	R. Rajendran	9028622158	RR
90	U. S. Sif U. S. Hoss	8600424962	
91	M. D. MUHAMMAD KHAN	9175024182	MD
92	अमर सिंह	9764220535	AS
93	Ashfaqur Ahmad Abul Hasan	9864495294	AA
94	Fazal Ahmad Abul Hasan	9402944557	FA
95	GAUR E. H.	9823952464	
96	श्रीधर		
97	श्रीधर	9604311039	SS
98	श्रीधर	9860120899	
99	श्रीधर		
100	Siddique Ansari	9923338965	SA
101	Dinesh Agarwal	94227016	DA
102	Ramesh Kumar	987076071	RS
103	Mod. Khan Pathern	9370054242	MP
104	Sabbir Hussain Saeed Mehamud	9326164716	SS
105	Shahid Khan Gulab Khan	9860468873	SK
106	NATAPARLAL VARMA	9972827770	NS

Attendance of Public Hearing dated 22.08.2019

क्र.सं.	नाम व पता	दुरध्वनी क्रमांक	स्वाक्षर
107	Nitinkumar M. Shah.	9420903836	
108	Varghese Naga m.c.		
109	Shahid Ali	9923520919	
110	Seelch. I Chen Jansher Khan	932555353	
111	मोहम्मद अली खान	9822510006	
112	Prakash. S. Gore	9422720750	
113	V.M Saad	9205829926	
114	Arshad Raza Ahmed Raza	7020179885	
115	Abdulrahman Naimaenna	9067117001	
116	Mubaashir Mushtaq	9890907391	
117	Holidunwal Khatun	9370122088	
118	Salman Ahmad	9226892577	
119	Atullah Naimaenna	8007248785	
120	Mubaashir Husain	9371999150	
121	Faisal Sherna	9823075269	
122	Salim Sherna	"	
123	Ahmed Sherna	9226290401	
124	Salman Akter Mohd.	9890350477	
125	M.H. Ansari	922631006	
126	Salman Akter	SA	
127	md. faruk mustafiz	9372209840	
128	Ali		
129	Shahid Ali	9823285590	
130	Shahid Ali	9890880046	
131	Raza Ali	9545700020	
132	Shahid Ali	9225566722	
133	Bikhan Manu	9373334819	
134	Sajid Bhanu		
135	Ali	9096668203	
136	Ali	9371250004	
137	Ali		

Status of actual closure of units engaged in Plastic related activities and Sizing units on records and preventive safeguards and remedial action to be taken having regard to the ground situation

One of the orders dated 09/7/2019 of the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the matter of OA No. 359/2019 is reproduced as below:

".....The Committee may ascertain the status of actual closure of the units on record and recommend preventive safeguards and remedial action to be taken having regard to the ground situation....."

Below is report in compliance with the above order of the Hon'ble Tribunal.

1. Nos. of units engaged in plastic related activities and sizing units in Malegaon

(A) Nos. of units engaged in plastic related activities

The committee was informed that Malegaon Municipal Corporation has initially provided list of 185 units engaged in plastic related activities in Malegaon and thereafter another 18 units were also informed to Maharashtra Pollution Control Board (MPCB).

Of the said 203 nos. of units, initially 14 units were inspected by MPCB in compliance with orders dated 02.07.2018 of the Hon'ble NGT. Since all these 14 units were found operating without consent, MPCB issued closure directions under section 33A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of Air (Prevention & Control of Pollution) Act, 1981. Thereafter, MPCB surveyed another 135 units during 16.07.2018 to 30.07.2018, and 01.08.2018 to 04.08.2018 but all these 135 units were found locked from outside. As a result, MPCB issued closure directions under section 33A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of Air (Prevention & Control of Pollution) Act, 1981 on 06.07.2019 to such 135 units. Maharashtra State Electricity Distribution Corporation Ltd. (MSEDCL) was also directed by MPCB to disconnect power supply to all the said 149 units (14 and 135 units) to whom closure directions were issued.

MPCB informed that verification of all the aforesaid 149 units, whom closure directions were issued, is under progress by MPCB w.r.t. actual status of effective closure. During July 23-25, 2019, MPCB verified 142 units of the said 149 units and found that some of the said 142 units are not engaged in waste plastic related activities. Verification status of the said 142 units including their operational status are as below:

Table 1: MPCB's verification status of 142 units whom closure directions were issued by MPCB

S.N	Type of activities	No. of Units	No. of units in which Power supply disconnected as informed by MSEDCL** to MPCB	Status as verified by MPCB during July 23-25, 2019 (No. of Units)		
				Operational	Not in Operation	Power supply found available
1.	Plastic Lump (Gitti) manufacturing from plastic waste	68	Electricity power supply to 116 units have been disconnected either temporarily or permanently. 21 units are either not traceable or do not exist. Status of the remaining 12 units have not been	0	68	27
2.	Plastic Pipes# manufacturing	12		0	12	0
3.	Plastic waste Grinding	4		3	1	3
4.	Waste Plastic Bags Sticking	2		2	0	0
5.	Plastic Granules manufacturing from plastic waste	1		0	1	0
6.	Plastic waste Godown	35		34	1	23 (11 units have no power connection installation at all)
7.	Power Loom*	11		8	3	10
8.	Duplication in Address	5		--	--	-
9.	Open Land where no activities were found or wrong address	4		--	--	-

*Power loom is not plastic or waste plastic related activities

#Pipe manufacturing units do not use waste plastics. They use plastic lumps (Gitti) derived from waste plastic and usually procure the same from Plastic Lump (Gitti) manufacturing.

** The MSEDCL informed the MPCB about the status vide letter dated 17.07.2019.

(B) Nos. of Sizing units

The committee was informed that initially Malegaon Municipal Corporation has provided list of 107 sizing units to MPCB. MPCB surveyed sizing units in Malegaon and found another 20 sizing units and, therefore, as per records available with MPCB, currently there are 127 sizing units identified in Malegaon. Sizing units are given consent to operate by MPCB with wood as fuel to be used in their boiler. MPCB carried out inspection of the said 127 sizing units during July 13-18, 2019 and status of the same are as below:

Table 2: MPCB's verification status of 127 Sizing units

Sl. No.	Particulars of Sizing units	Nos.	Operational Status (in Nos.)
1.	Units possessing valid Consent to Operate (CTO)	59	Operational
2.	Units applied for fresh/renewal of consent	40	
3.	Units whom CTO refused	17	
4.	Units not applied for fresh/renewal CTO	07	
5.	Unit found closed	4	-

It was informed by MPCB that closure direction to the above 24 operational sizing units (as listed at Sl. No. 3 and 4 of the above Table 2), who were refused CTO or not applied for CTO and found operational, is under progress.

2. Spot verification by the committee to ascertain actual closure of units engaged in plastic related activities and Sizing units

In the absence of comprehensive list of units engaged in plastic related activities and types of activities they are engaged in (such as waste plastic recycling or waste plastic storage or plastic pipe manufacturing, etc.), the committee decided to carryout spot verification of units engaged in plastic related activities on 22/8/2019 and 24/8/2019. During the said spot verification, few sizing units were also verified so as to ascertain if plastic wastes are being used as fuel or not. List of the officials representing MoEF&CC, CPCB, MPCB and MMC participated in the said spot verification is given at **Annexure I (CV)**.

Maldhe Shivar, Dyane Shivar and Daregaon are main areas where plastic related activities are carried out in Malegaon. These areas were visited on 22/8/2019 and 24/8/2019 to verify actual closure of units engaged in plastic related activities and use of plastic waste as fuel in sizing units.

(a) Observations on actual closure of units engaged in plastic related activities

It was observed that plastic waste recycling units are small in size of about 1000 sq. feet to 3000 sq. feet area with minimum power load of about 15-20 KW. Most of such units have temporary (makeshift) structures where mostly corrugated metal sheets have been used. Informal discussion with a few recyclers reveal that plant & machinery cost is about Rs. one Lakh. None of the units visited were having display board displaying the unit's name and address. The observations made in aforesaid three areas visited are as below:

- (i) 04 units were found operational who are engaged in plastic waste recycling illegally and gates of most of the units were found locked [**Photograph-1, Annexure-IV(CV)**].

02 of the above 04 units were issued closure direction by MPCB and power supply was available despite power disconnection reported by MSEDCL. Details of the said 04 units are given in **Table A at Annexure-II (CV)**.

(ii) Another 01 unit, manufacturing pipe from recycled plastic (plastic lump i.e. gitti derived by recycling plastic waste) procured from outside, was also found operating illegally as it does not possess consent to operate from MPCB. Further, it is not in the list of MMC. Details are given in **Table B at Annexure II (CV)**.

(iii) List of 203 units reported to be engaged in plastic related activities by Malegaon Municipal Corporation is not comprehensive. There could be more units engaged in plastic related activities in Malegaon. Further, such list does not have information about type of activities being carried out in terms of storage or sorting or recycling of waste plastics or manufacturing of pipes from plastic lump (Gitti) derived from waste plastic recycling.

(iv) Gates of most of the premises were found locked and power disconnections were not observed from transmission line in some of the units engaged in plastic waste recycling in Mhalde Shivar and Daregaon [**Photograph-2, Annexure-IV(CV)**]. Looking at the field conditions, it can apparently be said that the activities have been closed sometime before visit of the committee as smell of plastic melting/ burning was also observed. Therefore, operation of illegal plastic recycling activities in these areas cannot be ruled out.

However, in case of Dyane Shivar, power disconnection was observed in visited units and plastic melting/ burning smell not felt on the day of visit.

(v) Fugitive emission control system (like hood and ducting) and air pollution control system (APCD) with vent are not installed in all plastic waste recycling units or plastic related manufacturing units;

(vi) Plastic related activities are also located in vicinity of residential houses.

MPCB has categorised waste plastic recycling or plastic product (pipe) manufacturing under orange category and, therefore, such activities require Consent to Operate from MPCB. MPCB has not granted consent to operate to any of the waste plastic recycling units in Malegaon and, therefore, plastic waste recyclers also do not have requisite registration (as prescribed under Rule 13(3) of the Plastic Waste Management Rules 2016) from MPCB who is required to issue the registration if the unit possess valid consent under the Water (Prevention & Control of Pollution) Act, 1974 and under

section 31A of Air (Prevention & Control of Pollution) Act, 1981 along with a certificate of registration issued by the District industries centre or any other Government agency authorised in this regards.

(b) Observations on actual closure of Sizing units and use of plastic waste as fuel by them

Of 127 sizing units in Malegaon, 24 sizing units, who were refused CTO or not applied for CTO, are at present operating. MPCB is in the process of issuing closure directions to these 24 sizing units.

Further, observations made in 04 visited units, as given at **Annexure III (CV)**, reveal that:

- (i) 01 unit was using plastic waste as fuel in boiler along with wood as plastic waste along with wood were found stored near the boiler;
- (ii) Dust collector as air pollution control device and ETP have been installed in all the 04 units except in one unit where ETP was under installation, and;
- (iii) Only 01 of the 04 units was having display board displaying the unit's name and address.

3. Findings

Based on the above observations, following are findings:

(a) Plastic related activities

- (i) List of 203 units reported (by Malegaon Municipal Corporation) to be engaged in plastic related activities is not comprehensive. There could be more units engaged in plastic related activities in Malegaon. Further, such list does not have information about type of activities being carried out in terms of storage or sorting or recycling of waste plastics or manufacturing of pipes from plastic lump (Gitti) derived from waste plastic recycling.
- (ii) All plastic waste recycling units, whom closure directions have been issued by MPCB and power supply disconnection has reportedly been done by MSEDCL, not all units have closed their operations effectively.
Further, plastic waste recycling units are also operational which are not in inventory list of MMC/MPCB.
- (iii) None of the units visited were having display board displaying the unit's name and address;

- (iv) Plastic waste recycling activities are carried out with low investment in small sized area (as small as of about 1000 sq. feet) having temporary built structures. Non-installation of Display Board outside such recycling units makes identification of the unit difficult.
- (v) Some of the plastic (not plastic waste) related activities like manufacturing pipe from recycled plastic (plastic lump i.e. Gitti derived by recycling plastic waste) procured from outside, are operating without possessing Consent to Operate from MPCB and also without air pollution control devices.
- (vi) Plastic related activities are also located in vicinity of residential houses.

(b) Sizing units and use of plastic waste as fuel

- (i) Of 127 sizing units, 24 sizing units, who were refused CTO or not applied for CTO, are operational. MPCB informed that closure direction to such units are under progress.
- (ii) Use of plastic waste as fuel was found in one of the four visited units [**Photograph-3, Annexure-IV(CV)**] and, therefore, it may be implied that use of plastic waste as fuel in a few of the sizing units are going on.

4. Preventive safeguards and remedial action to be taken

(a) Plastic related activities

Since no plastic waste recycling unit in Malegaon has been granted Consent to Operate and Registration (as required under under Rule 13(3) of the Plastic Waste Management Rules 2016) by MPCB, operation of any plastic waste recycling unit needs to be closed until the said Consent to Operate and Registration are granted by MPCB. For effective stoppage of illegal recycling of waste plastic, the following is recommended:

- (i) Nos. of units engaged in plastic related activities in Malegaon be jointly inventoried by Malegaon Municipal Corporation, MPCB and MSEDCL by 25.09.2019. During such inventorization, owner's details, detailed address of the unit with survey no., gut no., electricity connection owner's name, distance from nearest residential building, etc. and type of activities may also be listed.
- (ii) Installation of Display Board at the gates of units engaged in plastic related activities (whether open or closed) may be ensured by MMC/MPCB for their easy identification.

- (iii) Upon the above inventorization, MPCB may immediately issue closure directions to remaining units, who are illegally engaged in plastic related activities. MSEDCL may also disconnect power supply to such units.
- (iv) The closure be implemented in field by sealing of the gates and permanent disconnection of power supply with the help of Police and District Administration.
- (v) As preventive measures for effective closure of illegal plastic waste recycling, till such recycling units are permitted in Malegaon in accordance with law, plastic waste storage godowns shall also be closed.
- (vi) Till MPCB grants Consent to Operate and Registration for recycling of plastic wastes, Police, Road Transport Authority and Malegaon Municipal Corporation to ensure that no vehicles carrying plastic waste enter into Malegaon city area for unloading the same.
- (vii) District Administration, Police and Malegaon Municipal Corporation may ensure that the plastic waste recycling activities do not scatter at other places once such activities are closed/sealed in Malegaon.
- (viii) MPCB may publish warning in local newspapers that plastic waste recycling and pipe manufacturing are not permitted unless requisite Consent to Operate has been obtained by MPCB. Non-compliances shall attract imprisonment up to five years with fine as stipulated under section 15 of the Environment (Protection) Act, 1986.

(b) Use of plastic waste in boiler of Sizing units

- (i) To check use of plastic waste as fuel along with wood, MPCB may become more vigil. A warning in local newspapers may be published by MPCB that plastic waste as fuel in any of the activities including sizing units is not permitted. Non-compliances shall attract imprisonment up to five years with fine as stipulated under section 15 of the Environment (Protection) Act, 1986.
- (ii) The 24 operational sizing units, who have not applied for Consent to Operate (CTO) or CTO was refused by MPCB, shall immediately be closed by MPCB. The status of 04 units found closed during survey by MPCB is also required to be properly verified by MPCB and MMC.

- (iii) All sizing units (whether open or closed) may be directed to install display board at their gates displaying the unit's name and address for their easy identification.

-----o-----



(Bharat K Sharma)

Scientist E, CPCB



(Suresh Kumar Adapa)

Scientist D, MoEF&CC

Regional Office,

Nagpur



(Kishor Borde)

Commissioner,

Malegaon Municipal
Corporation, Malegaon



(J.B. Sangewar)

Regional Officer, MPCB-

RO, Nashik

Annexure I (CV)

List of officials participated in the spot verification to ascertain actual closure of units engaged in plastic related activities and Sizing units in Malegaon

On dated 22/8/2019

Sl. No.	Name	Designation	Organisation
1.	Shri Bharat K. Sharma	Scientist E	Central Pollution Control
2.	Dr. Arvind Kumar Jha	Scientist D	Central Pollution Control Board Regional Directorate, Vadodara
3.	Dr. J.B. Sangewar	Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
4.	Shri Ashok Kare	Sub-Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
5	Shri Sanjay Redasani	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
6.	Shri Dinesh Vasavara	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
7.	Shri Manish	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
8.	Sanjay Janardan Jadhav and his team	Town Planner-II	Malegaon Municipal Corporation

Date 24/8/2019

Sl. No.	Name	Designation	Organisation
1.	Shri Bharat K. Sharma	Scientist E	Central Pollution Control
2.	Dr. Arvind Kumar Jha	Scientist D	Central Pollution Control Board Regional Directorate, Vadodara
3.	Dr. J.B. Sangewar	Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
4.	Shri Ashok Kare	Sub-Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
5	Shri Sanjay Redasani	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
6.	Shri Dinesh Vasavara	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
7.	Shri Manish	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
8.	Sanjay Janardan Jadhav and his team	Town Planner-II	Malegaon Municipal Corporation
9.	Shri Suresh Kumar Adapa	Scientist D	Ministry of Environment, Forests & Climate Change, Regional Office, Nagpur

Table A: Observations made in plastic waste recycling units operational during spot verification by the Committee on 22/8/2019 and 24/8/2019

S.N	Name of industry and Address	date of Visit	Unit covered in MMC/MPCB list (Yes/No)	Consent Status	Action taken By MPCB	Remarks
1.	Md Siraj Aalam Ali, Gut No.245, Behind Star Hotel, Daregaon	24-8-2019	Yes	Not applied	Issued closure direction dated 06.07.2019	<ul style="list-style-type: none"> The units is producing plastic lumps (Gitti) using plastic waste. No system for control of fugitive emissions has been provided. Power was available in the unit despite reportedly power disconnection by MSEDCL
2.	Md.Sagir Jahir Kha., Gut no.165,Plot No.37, Behind Soap Industry, Daregaon	24-8-2019	Yes	Not applied	Issued closure direction dated 06.07.2019	<ul style="list-style-type: none"> The units is producing plastic lumps (Gitti) using plastic waste. No system for control of fugitive emissions has been provided. Power was available in the unit despite reportedly power disconnection by MSEDCL
3.	M/s Mrunal Plastics, Gat no 55,Plot no 22,Dyane,Tal Malegaon, Dist Nashik	22-08-2019	Yes	Possesses Consent dated 24-11-2016 (please refer remarks)	No Closure: direction by MPCB as the unit has consent for manufacturing of pipes	<ul style="list-style-type: none"> Consent was issued for manufacturing of pipes from virgin plastic whereas the unit was found producing plastic lumps (Gitti) from waste plastics. The unit has installed hood over the extrusion outlet and the said hood is connected with water sprinkling unit followed by stack above the roof top. However, the hood was not efficient as emissions during plastic lumps formation were not found channelled to the said hood.
4.	M/s Gupta Plast, Gat No 56,Plot No 36/1, Dyane, Tal Malegaon, Dist Nashik	22-08-2019	Yes	Not applied	Direction not issued by MPCB	<ul style="list-style-type: none"> The units is producing plastic granules using plastic lumps (Gitti).However, no system for control of fugitive emissions were provided. The unit was yet to be surveyed by MPCB and hence no closure direction was issued by MPCB.

Table B: Observations made in plastic waste recycling units during spot verification by the Committee on 22/8/2019 and 24/8/2019

S.N	Name of industry and Address	date of Visit	Unit is covered under MPCB/MMC list (Yes/No)	Consent Status	Action taken By MPCB	Operational Status	Remarks
1	M/s Dhanvi Polymer, Plot No. 15, Gat No. 31/2, Dyane, Tal Malegaon, Dist Nashik	22-08-2019	No	Not Applied	No direction since it was not in inventory list	Operational	<ul style="list-style-type: none"> The unit is manufacturing plastic pipes procuring plastic lumps (i.e. Gitti produced by recycling of plastic waste) and virgin plastic granules. It doesn't have system to control fugitive emissions and not applied for Consent to Operate to MPCB.

Annexure III

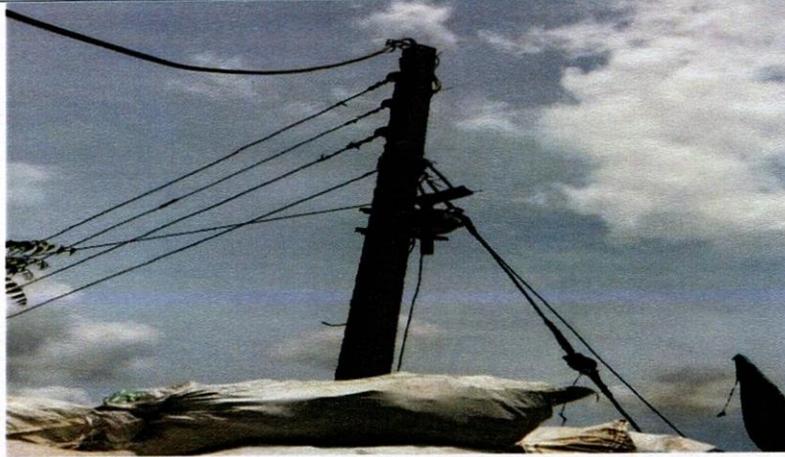
Observations made in Sizing units during spot verification by the Committee on 22/8/2019 and 24/8/2019

S. No.	Name of industry and Address	date of Visit	Unit is covered under MMC list (Yes/No)	Consent Status	Action taken By MPCB	Operational Status	Installation of APCD and ETP	Use of waste plastic as fuel
1	M/S. Zariwala Sizing Works, Survey No. 165, Plot No. 4/5/10/11, Nayapura Ward	24.08.2019	Yes	Applied for renewal	Renewal of Consent is under process	In Operation	Yes	Not found
2	M/s Md. Anas Sizing ,S.NO 02,Plot No 53/54 Rshanabas, Malegaon, Nashik	24.08.2019	Yes	Valid consent	-	In Operation	Yes	Not found
3	M/S. Tahaas Sizing & Textile Works, S. No. 189/1 & 2, Plot No. 8, Tal. Malegaon, Dist. Nashik	24.08.2019	Yes	Valid consent	-	In Operation	Only Dust Collector and no ETP	Plastic wastes were found stored near the boiler for use as fuel along with wood
4	M/S. A. R. Sizing Works, S. No. 186, Gururwar Ward, Tal. Malegaon, Dist. Nashik	24.08.2019	Yes	Valid consent	-	In Operation	Only Dust Collector and installation work of ETP was under progress.	Not found

Some Photographs taken during the visit



Photograph-1. Gate of waste plastic recycling units found locked.



Photograph-2. Power disconnection not observed in Daregaon and Mhalde Shivar.



Photograph-3. Stored plastic in polybags near boiler of M/s Taha Sizing Works.

**Report on site visits by the Joint Committee based on public hearing conducted
on 22.08.2019**

Background

Hon'ble National Green Tribunal, Principal Bench, New Delhi, passed orders dated 09.07.2019 in the matter of OA No. 359/2019 (Mohammad Yusuf Abdullah Shaikh & Anr Vs. State of Maharashtra & Ors). Relevant part of the said orders reads as:

"...The committee may visit the site after public notice and hear the members of the public who may choose to appear..."

Public hearing was conducted on 22/8/2019 and based on representations received from public during the said hearing, the committee decided to visit the following activities so as to observe environmental management and possible health impact thereof:

- (i) Plastic related activities;
- (ii) Sizing units;
- (iii) Power looms;
- (iv) Dyeing and coloured fabric manufacturing using power looms;
- (v) Municipal waste dumping site at Sangameshwar, Chandanpuri road, Malegaon;
- (vi) Solid waste and sewage in municipal area, and;
- (vii) Road dust and emissions from vehicles plying

The committee visited sites on August 22, 2019 and August 24, 2019. List of officials participated in the said visits are given at **Annexure-I**.

1. Observations and Findings

Details of visits in plastic related activities and Sizing units in Malegaon and observations, findings and preventive safeguards & remedial action to be taken in such activities have been given in the committee's report on "Status of actual closure of units engaged in Plastic related activities and Sizing units on records and preventive safeguards and remedial action to be taken having regard to the ground situation". Findings and recommendations on other activities are given in this report.

(a) Power Looms:

During meeting of this committee on 22/8/2019, Malegaon Municipal Corporation (MMC) informed that about 2, 45,000 power looms are estimated to be operated in Malegaon. In

one unit, there could be one or several numbers of power looms (**Photograph-1, Annexure-II**). Such units are scattered in residential areas and also operated within residential premises. MMC does not have precise list of units operating power looms in Malegaon.

The committee visited power loom units in Firdaush Ganj and Nazmabad area. It was observed and found that:

(i) There are several power looms in the area. Power looms are installed within households and scattered in residential areas too.

(ii) Noise in the work zone of power loom appeared quite high. Noise from power loom operations was also prevalent on roads adjacent to such operations. Fine lint was also observed as air pollutant.

(iii) No arrangement for management of noise and lint, generated from power loom operation, was observed. Workers were observed without personal protective equipment (PPE). Therefore, health impact on workers and persons living around such power loom units may not be ruled out.

(iii) No display board was observed outside power loom units showing their address in the units visited by the Committee.

(iv) Power looms (without dye and bleaching) have been categorised under green category of industries (as listed at Sl. No. 34 of Table G-4 of Final Document on Revised Classification of Industrial Sectors Under Red, Orange, Green and White Categories) as per the CPCB directions dated 07/3/2016 issued under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. Green category of industries are required to obtain Consent to Operate from SPCB.

(b) Dyeing and coloured fabric manufacturing using power looms

The Committee visited coloured fabric manufacturing power loom and colouring activities for the yarn in Bajrangwadi area. The Committee visited the premises at Survey No. 21/2; 22/2 and adjacent units in Bajrangwadi –Chandanpuri road. Single power loom was operational in

one of the premises for coloured fabric manufacturing. The colouring activity for yarn involved in this unit comprised of colouring of yarn in mostly 12 different colours depending on requirement, spinning, warping and looming. Wood was seen being used as fuel while heating in preparing dye. The committee observed that they are small sized units where entire dyeing activities are carried out manually (**Photograph-2, Annexure-II**). The effluent generated during dyeing and washing are drained in open municipal drains which ultimately meets river without treatment.

(c) Municipal waste dumping site at Sangameshwar, Chandanpuri road, Malegaon

It is informed that about 300 MT municipal solid waste (including C & D waste, silt, etc) is collected on daily basis and dumped at this site. The site is having a total area of 33 acres. Out of which 05 acres are allocated for vermicomposting and 28 acres are reserved for dumping. Vermicomposting activity was non-operational during visit (**Photograph-3, Annexure-II**). The periphery of dumping ground is as under:

- **North :** National Highway no. 03
- **South:** Integrated housing and slum development plan (IHSDP) settlements
- **West:** Girna river
- **East:** Private plastic recycling/ sorting units

As per Malegaon Municipal Corporation (MMC), the data related to solid waste dumping at this site is available since the year 2002. The nearest village Chandanpuri is situated at another bank of river Girna which is about 500 Mts from the waste dumpsite. Few human settlement also exists within 250 m of boundary of municipal solid waste dump sites (**Photograph-4, Annexure-II**). Very low flow was observed in the river.

The dumpsite has no leachate management system. Leachate from dumpsite may have been leaching into ground or getting into a nallah (drain) passing through periphery of solid waste dumping ground containing sewage from nearby area (**Photograph-5, Annexure-II**). The said nallah (drain) meets river Girna.

MMC informed that a site has been identified at Mhalde Shivar for developing proper sanitary landfill. DPR has been completed and tendering is under process.

(d) Solid waste and sewage in municipal area

During visits to various sites, the committee noticed municipal solid wastes lying on the sides of roads implying that municipal solid wastes are not lifted regularly by MMC (**Photograph6, Annexure-II**). Sewage is channelized through open drains and finally to rivers without imparting treatment. These may be sources of diseases to public. MMC informed that sewage treatment plant for Malegaon is under installation at Mhalde Shivar which is expected to be completed by December 2021.

(e) Road dust and emissions from vehicles plying

During visits to various sites, the committee noticed that some of roads in Old Agra road area, Dyne Shivar, Mhalde Shivar, etc. are not paved. However, no significant road dusts were observed because of monsoon season. Significant emissions from vehicles and vehicle congestions were not observed in areas visited by the committee.

2. Preventive measures and remedial safeguards to be taken:

(i) PPE such as Mask and ear plugs shall be used by workers in power loom;

(ii) MPCB may carry out feasibility studies of noise control measures such as noise barriers, technology interventions in power loom machine, etc. and lint management through expert institute which can be implemented in power loom units being operated even in households so as to comply with noise standards prescribed under the Noise Pollution (Regulation and Control) Rules, 2000.

(iii) Inventory of power loom and yarn dyeing in Malegaon (with name of owners, detailed address, nos. of power loom, etc.) may be carried out jointly by MMC, MPCB and MS&EDCL.

(iv) Since power loom operation and yarn dyeing require Consent from MPCB, the same may not be allowed unless the said Consent is given by MPCB. However, large number of people are engaged in power looming activity in Malegaon. While issuing consent, MPCB may ensure

that the power loom unit has noise control measures (as suggested under (ii) above) and lints management in place and dyeing operation has proper emission control arrangement and ETP.

(v) MMC shall:

(a) Collect municipal solid waste on regular basis, and;

(b) Commission the proposed sanitary landfill site at the site within the expected schedule of 28.02.2021.

The above may be monitored by the Divisional Commissioner who conducts monthly review meetings of ULBs for review and monitoring of the progress of the implementation of the Solid Waste Management Rules, 2016 (as per report of the Chief Secretary, Govt. of Maharashtra, submitted dated 05/4/2019 before the Hon'ble National Green Tribunal, Principal Bench, in the matter of OA No. 606/2018). Upon commissioning of the said landfill, the solid waste dumpsite at Sangameshwar need to be remediated.

(vi) The proposed sewage treatment plant may be commissioned within the expected schedule of December 2021 by MMC. The Project Management Consultant under the Department of Water supply sanitation, Govt. of Maharashtra, may ensure the completion within the said time frame.

MMC may ensure time bound commissioning of underground sewage network instead of open sewage drains. Till the same is commissioned, MMC shall carry out control measures such as spray of insecticides, clean up of drains, etc. regularly.

(vii) Though no significant road dusts were observed because of monsoon season despite existence of non-metallic roads. The concerned agency of Malegaon may ensure regular sweeping of roads and time bound development of metallic roads in Malegaon.

(viii) Traffic Department may study hotspots of vehicle congestion, if any, in Malegaon and take necessary control measures.

(ix) Minutes of the hearing and this verification report alongwith recorded proceedings of the of the hearing be send to MMC, District Administration, Traffic Police and MPCB for taking effective measures as raised by the public.



(Bharat K Sharma)
Scientist E, CPCB



(Suresh Kumar Adapa)
Scientist D, MoEF&CC
Regional Office,
Nagpur



(Kishor Borde)
Commissioner,
Malegaon Municipal
Corporation, Malegaon



(J.B. Sangewar)
Regional Officer, MPCB-
RO, Nashik

List of officials participated

On dated 22/8/2019

Sl. No.	Name	Designation	Organisation
1.	Shri Bharat K. Sharma	Scientist E	Central Pollution Control
2.	Dr. Arvind Kumar Jha	Scientist D	Central Pollution Control Board Regional Directorate, Vadodara
3.	Dr. J.B. Sangewar	Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
4.	Shri Ashok Kare	Sub-Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
5	Shri Sanjay Redasani	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
6.	Shri Dinesh Vasava	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
7.	Shri Manish Mahajan	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
8.	Sanjay Janardan Jadhav and his team	Town Planner-II	Malegaon Municipal Corporation

Date 24/8/2019

Sl. No.	Name	Designation	Organisation
1.	Shri Bharat K. Sharma	Scientist E	Central Pollution Control
2.	Dr. Arvind Kumar Jha	Scientist D	Central Pollution Control Board Regional Directorate, Vadodara
3.	Dr. J.B. Sangewar	Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
4.	Shri Ashok Kare	Sub-Regional Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
5.	Shri Dinesh Vasava	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
6.	Shri Manish Mahajan	Field Officer	Maharashtra Pollution Control Board, Regional Office, Nashik
7.	Sanjay Janardan Jadhav and his team	Town Planner-II	Malegaon Municipal Corporation
8	Shri Suresh Kumar Adapa	Scientist D	Ministry of Environment, Forests & Climate Change, Regional Office, Nagpur

Photographs taken during visit



Photograph-1. Several Power looms in a shed.



Photograph-2. Manual Colouring activities carried out in Bajrangwadi.



Photograph-3. Non-operational Vermicomposting facility.



Photograph-4. Human settlement (IHSD Plan) at about 230 m from boundary of solid waste dumpsite.



Photograph-5. View of nallah from periphery of solid waste dumpsite to passing to river Girna.



Photograph-6. Solid waste dumped along bank of sewage drain.

Item No.06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.359/2019

Mohammad Yusuf Abdullah Shaikh &Anr.

Applicant(s)

Versus

State of Maharashtra & Ors.

Respondent(s)

Date of hearing: 09.07.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s): Mr. Mukesh Verma, Advocate

ORDER

1. The issue for consideration is the remedial action against the air pollution on account of melting of plastic in the process of manufacturing gitti (recycled plastic granules) for use of plastic pipes at Malegaon in the State of Maharashtra. Though similar application was disposed of in absence of the polluting units being party, proceedings have been initiated on a fresh application vide order dated 02.04.2019. We are of the view that even in absence of polluting units, the Tribunal can ascertain facts and require regulatory authorities to perform their duties.¹ Any party aggrieved by the orders of a regulatory body has remedy to challenge such

¹Section 19 of the NGT Act 2010 provides that NGT is not bound by formal CPC procedure. Section 20 of the Act mandates that NGT is to be guided by 'Precautionary', 'Sustainable Development' and 'Polluter Pays' principles.

V - MURSHIDA

decisions on merits. The Tribunal sought a factual and action taken report from a Joint Committee comprising Central Pollution Control Board (CPCB), Maharashtra State Pollution Control Board (MSPCB) and Municipal Corporation with reference to the grievance of the complainant that there is huge damage to the environment by the polluting activities in violation of 'Precautionary' and 'Sustainable Development' principles and statutory authorities were not taking action.

2. Accordingly, a report dated 30.04.2019 has been filed by the MSPCB on behalf of the Committee. We proceed to deal with the issue on merits.

3. The report is to the effect that 185 units were involved in the plastic recycling, 146 units were operating without valid consent, 107 sizing units were operating using plastic as fuel and action was taken against those which were operating without valid consent and using plastic as a fuel in boilers. The Maharashtra Government had attempted to regularize the unauthorized units but the Bombay High Court stalled the process in view of damage to the environment.² Malegaon Municipal Corporation formed a team and collected fine of Rs. 1,15,000/- and seized 2.25 MT of banned plastic products.

²Rajiv Narayan Mishra v. City and Industrial Development Corporation of Maharashtra Ltd. And others (2018 SCC Online Bom 4132)

It was held that, regularising constructions contrary to town planning norms was in violation of Art. 21 of the Constitution of India as such regularising adversely affects environment and ecology which are part of fundamental right to life. (Para 19)

Power of regularisation was read down to mean that regularisation could be only of structures which were in accordance with planning norms. (Para 98)

Further, it was also stated in para 82 that,

"The principles of sustainable development have been incorporated in the MRTP Act with a view to protect the rights of citizens under Article 21. It cannot be disputed that the regularisation of such large number of illegal constructions will destroy the very concept of town planning which will violate the rights of the citizens guaranteed by Article 21 of the Constitution of India. It will put heavy burden on availability of civic amenities and infrastructure thereby affecting the life of citizens. Such a large-scale regularisation of illegal structures will violate the fundamental rights of the citizens under Article 21 of the Constitution of India."

4. The report also makes reference to the earlier proceedings before the Western Bench of this Tribunal in OA No. 16/2018. Therein, CPCB was required to conduct an independent inspection of the area where polluting activities were being carried out. The State PCB was also to inspect each of the units and take steps against the said units including gitti manufacturers and sizing units. The Chief Secretary and Urban Development Secretary were required to take urgent measures to mitigate the pollution by the plastic manufacturing and sizing units.³ The matter was also dealt with by further order dated 13.07.2018 in respect of 185 plastic industries. MPCB was directed to categorize siting and the non-compliant units were to be dealt with under the Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act, 1981.⁴ The Tribunal noted the statement made on behalf of the MPPCB that there was rampant pollution and urgent steps were required to be taken.

5. The report further mentions that scientific plastic waste disposal is required, to improve the sanitary hygiene in the plastic recycling area and to check air pollution. Air pollution control devices, segregation and storage of plastic waste and control of bio-medical waste are required for clean environment. Plastic waste trucks coming from outside are to be regulated. Mechanism is to be developed for proper health check-ups of industrial workers engaged in recycling of plastic and sizing units using plastic as fuel. An effort to inventorise the industrial units in the area has to be made. Discharge of waste water is to be regulated. Cotton lints are seen spread near the sizing and power looming units. Plastic waste is seen spread around the gitti

³ OA No. 16/2018 (WZ), Vide order dated 02.07.2018.

⁴ OA No. 16/2018 (WZ), Vide order dated 13.07.2018.

and granulation units. Road carpeting, road side plantation development are yet to be undertaken.

6. During the hearing, a status report has been handed over stating that plastic waste coming from cities like Mumbai, Pune, Aurangabad, Nagpur and other major urban centers was recycled at Malegaon. On the basis of survey, closure directions have been issued to certain units and some units have been allowed to restart subject to conditions. Closure direction to 135 units manufacturing gitties has only been recently issued vide order dated 06.07.2019, as the said units did not have consent to operate and air pollution control devices.
7. From the above, it is seen that there is acknowledged polluting activity which has been going on and it is only on 06.07.2019, some action is claimed to have been taken. The MPPCB was conscious of the rampant pollution and still failed to act. Moreover, there is nothing to show that any compensation has been recovered for the massive polluting activities from the units which are declared to be the polluters and closed and whether any prosecution has been initiated for offences under the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. Such inaction shows the MPPCB in poor light for failing in its statutory obligations. Cost of damage to public health and environment needs to be assessed and recovered from polluters and pending such final assessment, interim compensation needs to be recovered which should be deterrent. Actions of polluters causing diseases or deaths should not go unpunished in a civilized society governed by rule of law. The Municipal Corporation must also take action in exercise of its powers under Article 243W, Constitution of

India and the Solid Waste Management Rules, 2016 which has not been done.

8. Thus the MSPCB as well as other authorities in the State of Maharashtra have failed to comply with the 'Sustainable Development' and 'Precautionary' principles required to be applied by every regulatory authority.⁵ This requires carrying capacity assessment before permitting any activity having potential for pollution such as the plastic recycling/manufacturing activities or using plastic as fuel. The carrying capacity must take into account the health impact of the activities on the inhabitants in the area where such activities are allowed to be commenced or continued. Any industrial activity without consent to establish under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 is a criminal offence of which cognizance must be taken by the statutory authorities.

9. Polluting Industries cannot be allowed in a residential area, Town Planning authorities have to adopt and enforce appropriate regulatory measures.⁶ Land holding authorities must be held accountable for their failure. Similarly, wherever polluting activities found, steps have to be taken to stop such activities and to recover compensation and restoring the environment. Regulatory authorities must perform their

⁵In *Vellore Citizens Welfare Forum v. Union of India and Others* [(1996) 5 SCC 647]

Hon'ble Supreme Court held,

The 'Precautionary Principle' and the 'Polluter Pays Principle' are essential features of "Sustainable Development". The Precautionary Principle in the context of the municipal law means-

- i) Environmental measures by the State Government and the statutory authorities must anticipate, prevent and attack the causes of environmental degradation.
- ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- iii) The 'onus of proof' is on the actor or the developer/industrialist to show that his action is environmentally benign.

⁶ *M.C Mehta v. Union Of India* [(2004) 6 SCC 588]

Hon'ble Supreme Court held, All industrial units that have come up in residential/non-conforming areas in Delhi on or after 1-08-1990 shall close down and stop operating.

duties.⁷ Reference may also be made to some of the orders of this Tribunal dealing with somewhat similar situations.⁸

10. Apart from the observations in some of the orders of this Tribunal in OA No. 16/2018, the level of pollution in Malegaon which is in public domain may be noted. Malegaon is a densely populated city, and has a huge industrial activity which includes red and orange category of industries. River Girna receives huge pollution from activities in Malegaon. Use of plastic wastes by these industries is a contributor to the damage to the environment. It may also be noted that the general level of pollution in the state of Maharashtra is high and has been noted in the previous order of this Tribunal.⁹ There are polluted industrial clusters¹⁰, non-functional CETPs¹¹, polluted river

⁷Techi Tagi Tara v. Rajendra Singh Bhandari [(2018)11 SCC 734]

Hon'ble Supreme Court discussed several issues pertaining to the expert and professional appointments to the SPCBs and stated that,

"The concern really is not one of a lack of professional expertise there is plenty of it in the country, but the lack of dedication and willingness to take advantage of the resources available and instead benefit someone close to the powers that be. With this couldn't care less attitude, the environment and public trust are the immediate casualties. It is unlikely that with such an attitude, any substantive effort can be made to tackle the issues of environmental degradation and issues of pollution."

⁸i) Satish Kumar v. Union of India &Ors (Original Application No. 56(THC)/2013, order dated 03.12.2018)

The Tribunal directed, Delhi Government to deposit a sum of Rs. 25 Crores towards the cost of damage to the environment for its failure to regulate the activities of illegal industrial clusters.

ii) News item published in "The Times of India" authored by Paras Singh Titled "Ignoring NGT orders, Mayapuri 'graveyard' spews toxic fumes"(Original Application No. 807/2018, Order dated 29.01.2019)

The Tribunal observed that, to uphold the Rule of Law and accountability of those who are trustees of environment, it is necessary that the state machinery is required to compensate for their negligence and failure which may act as a deterrent against the officers who neglected their basic duty of protecting the environment or colluded with the polluters and law violators.

iii) Aryavart Foundation vs. M/s. Vapi Green Enviro Ltd. &Ors. (Original Application No. 95/2018, order dated 11.01.2019) The Tribunal stated that, lack of effective governance in the present case is patent from absence of steps for prosecution of the guilty persons or recovery of damages for restoration of the environment which is primary responsibility of the SPCB. Appointment process does contribute to such ineffectiveness.

iv) All India Lokadhikar Sangathan Vs. Govt. of NCT of Delhi & Ors. (Original Application No. 159/2013, order dated 16.10.2018) The Tribunal directed the Delhi Government to pay a sum of Rs. 50 Crores as compensation for damage caused to the environment by allowing the operation of stainless steel pickling industries covered in prohibited/negative list of the industry as per Master Plan of Delhi 2021.

⁹Compliance of Municipal Solid Waste Management Rules, 2016 (Original Application No. 606/2018, order dated 08.04.2019)

¹⁰ News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels" (O A No. 1038/2018, order dated 13.12.2018) The Tribunal, directed the SPCBs/ Committees to finalize the time bound action plans with regard to identified polluted industrial clusters in accordance with the revised norms laid down by the CPCB to restore environmental qualities within norms.

¹¹Arvind Pundalik Mhatre Vs. Ministry of Environment, Forest and Climate Change &Ors. (OA No. 125/2018, order dated 17.08.2018) The Tribunal directed that, appropriate action be taken under the civil and criminal laws against the erring industries as well as for failure of MIDC and the CETP Cooperative Society, to perform their duties.

stretches¹², non-attainment cities in terms of Air Pollution¹³, non-compliance of Municipal Solid and other Waste management Rules¹⁴, illegal sand mining evidencing high pollution level in the state of Maharashtra.

11. We may note that in view of failure of the authorities to enforce environment norms on various fronts, the Tribunal, vide order dated 16.01.2019 in O.A. No. 606/2018 sought appearance of Chief Secretaries of all States, Chief Secretary, Maharashtra appeared on 08.04.2019 and directions were issued for personal monitoring at his level once a month and by District Magistrates twice a month, so as to ensure compliance of environmental norms and furnish quarterly reports to this Tribunal. Let the Chief Secretary monitor this important aspect also at his level and give his report thereon while submitting a report to the Tribunal in terms of order dated 08.04.2019.

12. We also direct a Joint Committee comprising representatives of Ministry of Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB), MSPCB and the Malegaon Municipal Corporation to undertake health survey and the carrying capacity assessment of the area and assess Comprehensive Environmental Pollution Index (CEPI) in and around Malegaon for taking decision regarding the permission for operation of polluting activities. The Committee may make an assessment of the damage to

¹² News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB (OA No. 673/2018, order dated 08.04.2019) The Tribunal directed the CPCB with SPCBs and PCCs to launch nationwide programme on biodiversity monitoring and indexing of the rivers to assess the efficacy of river cleaning programme.

¹³ News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15" (OA No.681 of 2018, order dated 08.10.2018) The Tribunal stated that, CPCB and all the State Pollution Control Boards and Pollution Control Committees shall collectively workout and design a robust nationwide ambient air quality monitoring programme in a revised format by strengthening the existing monitoring network with respect to coverage of more cities/towns.

¹⁴ OA No. 606/2018, order dated 16.01.2019 and 08.04.2019.

the environment and public health in the last three years. The Committee may consider the air quality of the area. The Committee may visit the site after public notice and hear the members of the public who may choose to appear. The Committee may ascertain the status of actual closure of the units on record and recommend preventive safeguards and remedial action to be taken having regard to the ground situation. The District Magistrate will provide necessary security or other support. The representative of the CPCB will be the nodal agency for coordination and the compliance. The Committee may file its report within two months by e-mail at judicial-ngt@gov.in.

13. A copy of this order be sent to MoEF&CC, CPCB, MSPCB, Malegaon Municipal Corporation, District Magistrate, Malegaon and the Chief Secretary, Maharashtra by e-mail for compliance.

List for further consideration on 15.10.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 09, 2019
Original Application No.359/2019
DV