

MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/1583/19

Date: 15-07-2019

To,
The Registrar
Hon'ble National Green Tribunal
Principal Bench,
New Delhi.

Sub. : Action Taken Report in the matter of Original application no 988 of 2018 in compliance of order dated 05.04.2019.
Ref. : Original application no 988 of 2018 submitted by Dr. Balkrishna Shelar Vs. State of Maharashtra.

Sir,

Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed the order dated 05-04-2019 as application registered based on complaint submitted by Dr. Balkrishna A. Shelar (in the Original Application No. 988/2018.)

Submitting herewith the Action Taken Report in the matter of Original application no 988 of 2018 along with annexure I, II & III.

Submitted for further needful, please.

(Ravindra Andhale)

Regional Officer, Kolhapur

Copy submitted for favour of information to

1. Member Secretary, M. P. C. Board, Mumbai.
2. Joint Director (WPC) M. P. C. Board, Mumbai.

Copy to:

1. Law Officer, M. P. C. Board, Mumbai.
2. Sub-Regional Officer, M.P.C. Board, Kolhapur

MAHARASHTRA POLLUTION CONTROL BOARD
Regional office, Kolhapur,
Udyog Bhavan, Near Collector Office
Dist- Kolhapur



Action Taken Report

Original Application No 988/ 2018
In compliance of order dated 5.4.2019 of the
Honorable National Green Tribunal,
Principal Bench,
New Delhi.

Action Taken Report

In the matter of Original Application No 988 of 2018

Dr Balkrishna A Shelar

Vs

State of Maharashtra

- A) In compliance of the order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi on dated 5.4.2019, Board has communicated the said order to Additional Chief Secretary, Urban Development Govt. of Maharashtra vide email dtd. 15/04/2019. The copy of the said letter is annexed and marked as ANNEXURE-I.
- B) Joint random survey in and around Red zone area was carried out by Board officials along with officers of Town Planning Department Kolhapur Municipal Corporation on 11th and 12th of July 2019. Following are the observations made :
- Kolhapur Municipal Corporation has sanctioned building permissions to projects. They have informed that those projects having more than 22 tenements, condition to provide Sewage Treatment Plant is mandatory. Six random projects were jointly inspected and during visit it was observed that they have provided sewage treatment plant comprising of primary, secondary & tertiary (double media filter) system with disinfection facility. During the visit these STP units were found to be functioning and provision for recycling of water for flushing and gardening is provided.
 - Conditions for providing septic tanks and soak pits are stipulated by Kolhapur Municipal Corporation for projects having less than 22 tenements and individual houses.
 - Cluster of old existing houses have been provided with common toilet Blocks. These toilet blocks are provided

with septic tanks and soak pits for treatment of sewage generated.

- Three service stations for washing of vehicles identified as operational without permission of the Board.
- Two hotels were identified to be operation without permission of the Board.
- Two cement articles manufacturing units found to be operational without obtaining consent from the Board.

C) Action against these aforementioned industries is being initiated under the provisions of Water (P & CP) Act, 1974 for non-compliances.

D) Board has issued Directions on 25/04/2019 to the Commissioner of Kolhapur Municipal Corporation, Kolhapur towards the cost of Rs. 2.6 Lacs /Day (i.e. one paisa /Liter) for remediation/ pollution control and keep the said amount in separate account to be operated by the municipal commissioner for remediation / pollution control for polluted stretches of Panchganga river in consultation with the Board. Copy of the Directions is annexed as **ANNEXURE- II**.

E) Municipal Commissioner, Kolhapur during the meeting held on 14/7/2019 assured that an separate account as per the order dtd. 25-04-2019 will be opened. The account has been opened on 15-07-2019 vide account no. 0463104000202428 for remedial/ pollution control of Panchganga river.

F) Four Nalla's passing through Red Zone area and meeting Panchganga river were visited. These nalla's were overflowing due to heavy rains. Samples have been collected to ascertain water quality. These nallas water generally consists of partially treated sewage from septic tank / soak pit percolation and surface run-off. However during dry season, bandhara is built on this nallas and the water is pumped into sewage treatment plant for treatment.

G) Board has issued directions to Kolhapur Municipal Corporation from time to time regarding Panchganga river pollution. Further, prosecutions has been filed by the Board against Kolhapur Municipal Corporation. Sample copies annexed as **ANNEXURE-III**.

The Board will continue to monitor the said red zone and will take action against any defaulter if found in future and also with the directions/ order of Honorable NGT passed from time to time.

From: Smita Gaikwad
Sent: Monday, April 15, 2019 10:50 AM
To: manishamhaiskar@gmail.com
Cc: Y.B.Sontakke
Subject: FW: Compliance of order dtd.5/4/2019 passed by Hon'ble NGT in OA No 988 of 2018 filed by Dr Balkrishna Shelar V/s State of Maharashtra

Respected Madam,

PI find enclosed a copy of order dtd.5/4/2019 passed by Hon'ble NGT in OA No 988 of 2018 filed by Dr Balkrishna Shelar V/s State of Maharashtra wherein the Hon'ble NGT has stated that *after perusal of report dated 4.2.2019 from MSPCB to the effect that KMC has been informed about the illegal constructions in red zone area of Panchganga river. The Hon'ble NGT directed to the UD, Deptt to oversee remedial action and ensure that the polluting activities are discontinued and polluters are made accountable to law by way of prosecution and payment of compensation for the damage to the environment.*

Submitted for kind perusal please.

Thanking you,

Yours faithfully,

Smita Gaikwad
Law Officer
MPCB
Mumbai
Email:- lol@mpcb.gov.in



"SAVE PAPER" - THINK BEFORE YOU PRINT!
POWER BEHIND ENVIRONMENT...M.P.C.B

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
 Fax: 24023516/24024068/24044531
 Website: www.mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor
 Opp. Cine Planet Cinema,
 Near Sion Circle, Sion (E)
 Mumbai- 400 022.

No.MPCB/JD(WPC)/B- 1467

Date : 25/04/2019

To
 The Municipal Commissioner,
 Kolhapur Municipal Corporation,
 Kolhapur.

Sub: Directions under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974.

- Ref: 1. Directions issued by MPCB from time to time.
 2. Minutes of Workshop organised by Central Pollution Control Board On 08/01/2018 for Restoration of Polluted River Stretches
 3. Office Order bearing No.26/2018, dated 10/04/2018 issued by the Maharashtra Pollution Control Board.
 4. Order dated 13/12/2018 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Original Application No.1038/2018 – in the matter of News Item published in "The Asian Age" authored by Sanjay Kaw titled "CPCB to rank industrial units on pollution levels".
 5. Hearing through video conference by Hon'ble NGT on 07/01/2019.

WHEREAS, the Maharashtra Pollution Control Board has issued directions from time to time to your Corporation and directed to implement long term and short term measures for the treatment and disposal of sewage.

AND WHEREAS, the Central Pollution Control Board has organised a Workshop for Restoration of Polluted River Stretches on 08/01/2018. AND WHEREAS, as decided in the said workshop, a Committee has been constituted vide Office Order dtd.10/04/2018 for "Preparation of Action Plan for Execution, Monitoring and Development of Requisite Infrastructure for Management of Industrial Effluent as well as for Restoration of Polluted River Stretches". AND WHEREAS, the first Meeting of the aforesaid Committee was held on 02/11/2018.

AND WHEREAS, the Hon'ble National Green Tribunal vide order dated 20/09/2018 directed All States and Union Territories to prepare action plans within two months for bringing all the polluted river stretches to be fit at least for bathing purposes (i.e. BOD < 3 mg/L and FC < 500 MPN/100 ml) within six months from the date of finalisation of the action plans.

AND WHEREAS, you were also directed to maintain wholesomeness of the river water to achieve the standards of bathing purpose and stop all the discharges of untreated / partially treated sewage into the river.

AND WHEREAS, the Board has issued various directions to your Corporation, wherein, you were directed to provide adequate Sewage Treatment Plant and to achieve the consented standards / prescribed by the Ministry of Environment, Forest & Climate Change, Govt. of India and implement short term & long term measures for the treatment of sewage and also restrict the untreated / partially treated sewage reaching to the Panchganga River

...2...

AND WHEREAS, the Hon'ble Supreme Court of India had imposed the responsibility of damages / restoration cost on the occupier, which is well-known principle laid down 'Polluter Pay Principle' vide its Judgement dtd.28/08/1996 in the Writ Petition (C) No.914/1991 filed by Vellore Citizens Welfare Forum V/s Union of India and Ors.

AND WHEREAS, 'Polluter Pays Principle' is laid down by the Hon'ble NGT in its Order dated 13/07/2017 in Original Application No.200/2014 filed by M.C. Mehta v/s Union of India.

AND WHEREAS, the Hon'ble NGT in its order dated 19/12/2018 in Original Application No.727/2018 in the News Item dated 17/09/2018 in 'The Hindu' authorised by Shri Jacob Koshy under the heading "More River Stretches are now critically polluted" . , directed to each State is payable compensation for damage to the environment at the rate of Rs.one crore per month for each of the Priority-I and Priority-II, Rs.50 Lakhs per month for stretches in Priority-III and Rs.25 Lakhs per month each for Priority-IV and Priority-V stretches.

AND WHEREAS, the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the Original Application No.1038/2018 – in the matter of News Item published in "The Asian Age" authored by Sanjay Kaw titled "CPCB to rank industrial units on pollution levels" has passed an order dated 13/12/2018 and directed the SPCBs / Committees and CPCB to take coercive measures including recovery of compensation for the damage to the environment on 'Polluters Pays' principle as well as also to direct taking of such precautionary measures as may be necessary on the basis of 'Precautionary Principle'.

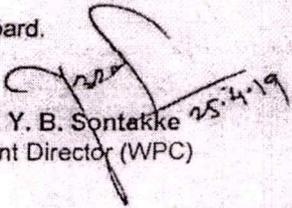
AND WHEREAS, the Hon'ble Green Tribunal in the hearing through video conferencing on 07/01/2019 directed to take immediate action on polluting establishment on the basis of Polluters Pay Principle

AND WHEREAS, it has been observed that you have failed to comply with the directions issued by the Bcard from time to time and also not taken effective steps to implement the Action Plan within the stipulated period.

AND WHEREAS, it has been observed that your Corporation is generating sewage to the tune of 96 MLD out of that 70 MLD is treated or partially treated and 26 MLD of the sewage is discharging into the Panchganga river without treatment.

NOW THEREFORE, in exercise of the powers conferred upon me under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974, you are hereby directed to earmark an amount of Rs. 2.6 lakhs per day (i.e. one paise/per ltr.) towards the cost of remediation/pollution control and keep the said amount in a separate account to be operated by the Municipal Commissioner for remediation/pollution control in consultation with the Board within a period of 7 days from the date of receipt of these directions, failing which the Board will have no option than to initiate appropriate legal action against your Corporation, which please note.

This is issued with the approval of Hon'ble Chairman of the Board.


Dr. Y. B. Sontakke 25.4.19
Joint Director (WPC)

Copy submitted to :

1. Hon'ble Chairman, MPCB, Mumbai – for favour of information.
2. Hon'ble Divisional Commissioner, Pune Division - for favour of information.
3. Member Secretary, MPCB, Mumbai – for favour of information.

Copy to:

1. Law Officer, MPCB, Mumbai – for information.
2. Regional Officer, MPCB, Kolhapur / Sub-Regional Officer, Kolhapur: - for information and necessary action.

D.R.No. 189
07/01/2019

BEFORE THE HON'BLE CHIEF JUDICIAL MAGISTRATE, KOLHAPUR COURT
AT KOLHAPUR

R.C.C. No. 29 of 2019

Maharashtra Pollution Control Board,
Represented by Shri Nagesh Lohalkar,
Regional Officer, Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 002

--- Complainant

V/s

1) Kolhapur Municipal Corporation, Kolhapur

(Summons to be served upon
Shri S. B. Kulkarni,
Hydraulic Engineer,
Kolhapur Municipal Corporation,
Main Building, Bhausingji Road,
Shivaji Chowk, 'C' Ward,
Kolhapur - 416 002)

2) Shri S. B. Kulkarni,
Hydraulic Engineer,
Kolhapur Municipal Corporation,
Main Building, Bhausingji Road,
Shivaji Chowk, 'C' Ward,
Kolhapur - 416 002

3) Shri S. V. Vyaghrambare,
Environment Engineer,
Kolhapur Municipal Corporation,
Main Building, Bhausingji Road,
Shivaji Chowk, 'C' Ward,
Kolhapur - 416 002

--- Accused

Complaint u/s 15 of the Environment
Protection Act, 1986 and 41 (1)(2), 43, 44,
45A r. w. Sections 24, 25, 26, 33 & 33A of
the Water (Prevention and Control of
Pollution) Act, 1974

file

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

Annexure - III
(A)

TEL. No. (0231) 2652952,
2660448
FAX No. (0231) 2652952
E-MAIL: ROKOLHAPUR@MPCB.GOV.IN



UDYOG BHAVAN,
NEAR COLLECTOR OFFICE,
KOLHAPUR - 416 003.
WEBSITE: HTTP://MPCB.MAH.NIC.IN

No. MPCB/RO/KOP/PD/3522/2018

Date: 16/10/2018

To,
The Municipal Commissioner,
M/s Kolhapur Municipal Corporation
Kolhapur.

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2016.

- Ref :**
- 1) Direction issued by the Board dtd. 21-12-2017.
 - 2) Direction issued by the Board dtd. 27-12-2017.
 - 3) This office Show cause Notice issued vide dtd. 24-09-2018.
 - 4) This office Show cause Notice issued vide dtd. 25-09-2018.
 - 5) This office Show cause Notice issued vide dtd. 25-10-2018.
 - 6) Telephonic complaint received from Shri Dilip Desai, President Prajasattak, Kolhapur.
 - 7) Visit of Board Officials on 15-10-2018.
 - 8) Report submitted by SRO Kolhapur dtd. 16-10-2018.

WHEREAS, Kolhapur Municipal Corporation falls in the pollution prevention area. It is obligatory on your part to comply the environmental acts including the provision of Water (P&CP), Act, 1974.

AND WHEREAS, it is obligatory on your part to provide adequate collection, treatment and disposal system for the domestic effluent generating from the municipal corporation area and to achieve standards prescribed by the Board in its consent order and to control the Panchaganga River pollution.

AND WHEREAS, inspite of repeated instructions given to Kolhapur Municipal Corporation regarding the overflow of Jayanti Nalla, the overflow of untreated domestic waste again observed on 15/10/2018, during the visit of Board officials it was informed by the operator that the overflow of Jayanti Nalla is since 14/10/2018 morning due to failure of one number of pump out of 2 pumps. This type of default is observed on regular basis and

there is no any emergency back up to avoid such events. The number of notices issued to corporation but till date you have not taken any steps to avoid such incidents.

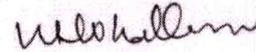
AND WHEREAS, you have failed to comply with the above directions inspite of giving sufficient period to comply with the same.

AND WHEREAS, there are continuous complaints to MPC Board in respect of disposal of untreated sewage through Jayanti nalla to Panchaganga River and thereby river pollution.

AND WHEREAS, after examining the record of your case, the reports of officers of the Board & making necessary enquiries, I am satisfied that you are knowingly & wilfully causing grave injury in the surrounding environment & violating environmental rules.

NOW THEREFORE, in exercise of the powers conferred upon me by the Board under section 33A of Water (Prevention & Control of Pollution) Act, 1974 in its 126th meeting held on 08-02-2000. I Nagesh Lohalkar, Regional Officer, Maharashtra Pollution Control Board, Kolhapur hereby direct you to stop all the discharge of sewage in Panchganga River and operate the STP full-fledge and lift the domestic effluent and transfer to STP for further treatment immediately to avoid further damage to surrounding environment. In case of you fail to comply with the above directions, the Board will have no option other than to initiate further legal action including filling a prosecution in the court against you, which may please be noted.

FOR AND ON BEHALF OF THE BOARD



(NAGESH LOHALKAR)

REGIONAL OFFICER, KOLHAPUR

Copy submitted for favour of information and necessary action :

1. Member secretary, M. P. C. Board, Mumbai.
2. Divisional Commissioner, Commissioner Office, Pune.
3. District Collector, Collector office, Kolhapur
4. Joint Director, (WPC), M.P.C. Board, Mumbai.

Copy to-

- ✓ 1. The Sub-Regional Officer, M. P. C. Board, Kolhapur :- You are requested to serve the direction and keep the follow up and report the compliance from time to time.
2. Master file.

MAHARASHTRA POLLUTION CONTROL BOARD
Regional office-Kolhapur

Tel: 0231-2652952, 0231- 2660448		Udyog Bhavan
Fax: 0231-2652952		Near Collector Office
Website: http://mpcb.gov.in		Kolhapur
E-mail: rokolhapur@mpcb.gov.in		Kolhapur-416 003.

BY RPAD

No. MPCB/RO Kolhapur/Dir/2044

Date: - 18 /04/2018.

To,

The Commissioner,

Kolhapur Municipal Corporation,

Tal & Dist.: Kolhapur.

Sub: - Proposed Direction under section 33A of the Water (Prevention & Control of Pollution) Act 1974.

Ref: 1. The Hon'ble High Court PIL no.183/2012.

2. WP no.979/1997

3. Directions issued by the Hon'ble Sub Divisional Magistrate, Karveer vide dated 20.01.2018

4. Time to time Directions issued by the Board .

5. Status/ Compliance report submitted by Kolhapur Municipal Corporation dt. 6/4/2018.

The Hon'ble High Court has issued the interim directions in the WP no.979 /97 and in the PIL no.183/2012 for the prevention and control of the Panchaganga River by provision of the adequate treatment facilities of domestic / industrial effluent arising from the Municipal Corporations, Councils and from the industries, industrial estates located on the basin of the Panchaganga River.

AND WHEREAS, Hon'ble Sub Divisional Magistrate, Karveer vide reference no. 3 dated 20.01.2018 issued order to control Panchaganga River pollution by commission and operating STP's, taking necessary action with time bond program.

AND WHEREAS, Kolhapur Municipal Corporation has submitted status/ compliance report vide ref. no. 5 with respect to order issued by Hon'ble Sub Divisional Magistrate. In this report it is mentioned that the work of Dudhali STP will be completed and will be operation up to 31/03/2018.

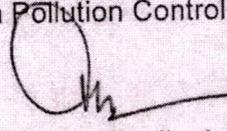
AND WHEREAS, the commissioning work and operation of STP located at Dudhali is not yet completed resulting in untreated domestic effluent from the catchment of the Dudhali area mixing into Panchaganga River.

NOW THEREFORE, In the context of the interim directions issued by the Hon'ble High court in the Write Petition no.979/97 and PIL no.183/2012 and to prevent the pollution of the Panchaganga River, in exercise of the power conferred upon me by the Board u/s 33A of the Water (Prevention and Control Of Pollution) Act, 1974 I, Regional Officer- Kolhapur of the Maharashtra Pollution Control Board, hereby direct you,

1. Why electricity of Municipal Corporation shall not be disconnected.
2. Why your Bank guarantee shall not be forfeited towards this non compliances.
3. Why prosecution shall not be initiated against Municipal Corporation.

You are hereby directed to comply with the aforesaid non compliances to control of Panchaganga River. In case you fail to comply with the above directions, the Board will have no option other than to initiate further legal action including filing a prosecution in the court against you which may be please be noted.

For and on behalf of the
Maharashtra Pollution Control Board


(Dilip K. Khedkar)

Regional Officer-Kolhapur

Copy for information -

1. Member Secretary, M.P.C. Board, Mumbai.
2. Joint Director (WPC) M.P.C. Board, Mumbai.
3. Law Officer (P & L Divn.), M.P.C. Board, Mumbai.
4. Sub-Regional Officer- Kolhapur, M.P.C. Board, Kolhapur. - For necessary follow up action.

MAHARASHTRA POLLUTION CONTROL BOARD

Regional office-Kolhapur

Tel: 0231-2652952, 0231- 2660448		Udyog Bhavan
Fax: 0231-2652952		Near Collector Office
Website: http://mpcb.gov.in		Kolhapur
E-mail: rokolhapur@mpcb.gov.in		Kolhapur-416 003.

BY RPAD

No. MPCB/RO Kolhapur/Dir/ 362

Date: - 12/02/2018.

To,

The Commissioner,
Kolhapur Municipal Corporation,
Tal & Dist.: Kolhapur.

Sub: - Direction under section 33A of the Water (Prevention & Control of Pollution) Act 1974.

Ref: 1. The Hon'ble High Court PIL no.183/2012.

2. WP no.979/1997

3. Meeting about control of Panchaganga River Pollution held on 06.02.2018 under the Chairmanship of Collector, Kolhapur.

4. Directions issued by the Board time to time to the Kolhapur Municipal Corporation.

WHEREAS, Kolhapur Municipal corporation is located on the basin of the Panchaganga River. It is mandatory to provide adequate collection, treatment and disposal facility for the domestic effluent generating from the Municipal corporation area to avoid the pollution of the Panchaganga River.

WHEREAS, The Hon'ble High Court has issued the interim directions in the WP no.979 /97 and in the PIL no.183/2012 for the prevention and control of the Panchaganga River by provision of the adequate treatment facilities for domestic / industrial effluent arising from the Municipal Corporations, Councils and from the industries, industrial estates located on the basin of the Panchaganga River.

WHEREAS, the Hon'ble Collector, Kolhapur has conducted meeting about Panchaganga River pollution on 06/02/2018 along with all the concerned departments & their officers. In this meeting issues about sources of the Panchaganga River pollution and action required to control the Panchaganga River was discussed along with the concern officers.

AND WHEREAS, the Hon'ble Collector has directed to issue the directions to the Kolhapur Municipal Corporation to initiate actions to control Panchaganga River Pollution.

NOW THEREFORE, In the context of the interim directions issued by the Hon'ble High court in the Write Petition no.979/97 and PIL no.183/2012 to prevent the pollution of the Panchaganga River and considering the necessity to control the Panchaganga River pollution and as per the directives issued by the Hon'ble Collector Kolhapur in the meeting held on 06/02/2018. In exercise of the power conferred upon me by the Board u/s 33A of the Water (Prevention and Control Of Pollution) Act, 1974 I, Regional Officer- Kolhapur of the Maharashtra Pollution Control Board, hereby direct you to comply the following directions:-

1. To complete commissioning work of STP located at Dudhali Nalla & take it in operation at the earliest.
2. To provide Bandhara's, to provide disinfection system, removal of floating material & pumping arrangement to lift the total domestic effluent and transfer in to sewage treatment plant for the further treatment at all 12 Nalla flowing to Municipal Corporation area and mixing into the Panchaganga River. There shall not be any discharge of domestic effluent mixing in to the Panchaganga River.
3. To complete commissioning work of new STP & take it in operation at the earliest.

The Hon'ble Collector has shown displeasure regarding the concern authority of the Kolhapur Municipal Corporation was not present in the meeting. Hence, they have directed to call explanation from the concern authority. In view of above you are here by instructed to submit your say to the Hon'ble Collector, Kolhapur.

You are hereby directed to comply with the aforesaid directions to control of Panchaganga River. In case you fail to comply with the above directions, the Board will have no option other than to initiate further legal action including filing a prosecution in the court against you which may be please be noted.

For and on behalf of the
Maharashtra Pollution Control Board

(D.K. Khedkar)

Regional Officer-Kolhapur

Copy for information -

1. Member Secretary, M.P.C. Board, Mumbai.
 2. Joint Director (WPC) M.P.C. Board, Mumbai.
 3. Law Officer (P & L Divn.), M.P.C. Board, Mumbai.
 4. Sub-Regional Officer- Kolhapur, M.P.C. Board; Kolhapur.
- For necessary follow up action.

(11) ११.५० वा
ब्यूरो क्लर्क
दाखल ता: ११/११/२०१६
ब्यूरो विभाग (को. म. व. पा.)

MAHARASHTRA POLLUTION CONTROL BOARD

Regional office-Kolhapur

Tel: 0231-2652952, 0231- 2660448		Udyog Bhavan
Fax: 0231-2652952		Near Collector Office
Website: http://mpcb.gov.in		Kolhapur
E-mail: rokolhapur@mpcb.gov.in		Kolhapur-416 003.

BY RPAD

No. MPCB/RO Kolhapur/Dir/

To,

The Commissioner,

Kolhapur Municipal Corporation,

Tal & Dist.: Kolhapur.

3064/17

Date: -21/12/2017.

Sub: - Direction under section 33A of the Water (Prevention & Control of Pollution) Act 1974.

Ref: 1. The Hon'ble High Court PIL no.183/2012.

2. WP no.979/1997

3. Boards consent to Establish dated 26.06.2015.

5. Review meeting about control of Panchaganga River Pollution held on 19.09.2017 at Collector.Office- Kolhapur.

6. This office letter dated 14.09.2017.

7. Direction issued by this office dated 12.10.2017.

8. The visit of the Members of the Panchaganga River inspection Committee dated 27.10.2017

9. The personal hearing extended in the chamber of the undersigned with KMC official dated 10.11.2017.

10. Directions issued by the Board dated 21.11:2017.

WHEREAS, Board has issued Direction to the Kolhapur Municipal Corporation on 21.11.2017. After issuance of the direction it was observed there was no effort/ progress was taken by the Municipal Corporation to control of Panchaganga River pollution by reconnection of the effluent carrying pipe line at Jayanti nalla.

The Hon'ble High Court has issued the interim directions in the WP no.979 /97 and in the PIL no.183/2012 for the prevention and control of the Panchaganga River by provision of the adequate treatment facilities for domestic / industrial effluent arising from the Municipal Corporations, Councils and from the Industries, industrial estates located on the basin of the Panchaganga River.

AND WHEREAS, after examining all the reports & communication made by the office, I have come to the conclusion that you have failed to repair and reconnect of sewage carrying pipe line and control of pollution of Panchaganga River by stoppage and mixing of domestic effluent in to Panchaganga River even after laps of the 90 days.

NOW THEREFORE, In the context of the interim directions issued by the Hon'ble High court in the Write Petition no.979/97 and PIL no.183/2012 to prevent the pollution of the Panchaganga River and considering the necessity to control the Panchaganga River pollution, in exercise of the power conferred upon me by the Board u/s 33A of the Water (Prevention and Control Of Pollution) Act, 1974 I, Regional Officer- Kolhapur of the Maharashtra Pollution Control Board, hereby direct you to comply the following directions:-

1. To erect sewage carrying pipe line located across the Jayanti nalla immediately and stop the mixing of domestic effluent in to Panchaganga River.
2. To start the pumping station, lift the total domestic effluent and transfer in to sewage treatment plant for the further treatment. There shall not be any discharge of domestic effluent mixing in to the Panchaganga River.
3. To install full-fledged disinfection system at the Jayanti nalla.
4. To complete remaining work of the STP of capacity of 76 MLD.i.e. Diversion and connection of the line bazar and Bapat camp nalla. Also to divert and connect CPR nalla, Juna Budhwar nalla, Rajhans new palace nalla ,Raman mala, Chatrapati colony nall for the further treatment in the sewage treatment plant.
5. To complete commissioning work of the sewage treatment plant of capacity of 17 MLD at the earliest and to collect and divert Phulewadi nalla, Lakshadweep nalla and Jamadar club nalla for the treatment in the sewage treatment plant.
6. To divert New Palace Lake Nalla towards Rajhans or Raman Mala nalla for further treatment in the sewage treatment plant.

7. To prepare detailed project report for the commissioning of the of 4 MLD sewage treatment plant for the additional effluent arising from the Dudhali catchment area.
8. To prepare detailed project report for the commissioning of the of 4 MLD sewage treatment plant for the effluent arising from the Menon and Uchgaon nalla.
9. To commission drainage network in the Dudhali nalla catchment area.
10. To commission the whole drainage network for the Kolhapur city.
11. To restrict the bathing activities, vehicle washing activity and washing of animals in the water bodies, i.e. in to river or in the lake.

You are hereby directed to comply with the aforesaid directions to control of Panchaganga River. In case you fail to comply with the above directions, the Board will have no option other than to initiate further legal action including filing a prosecution in the court against you which may be please be noted.

For and on behalf of the
Maharashtra Pollution Control Board

(D.K. Khedkar)

Regional Officer-Kolhapur

Copy for information -

1. Member Secretary, M.P.C. Board, Mumbai.
2. Joint Director (WPC) M.P.C. Board, Mumbai.
3. Law Officer (P & L Divn.), M.P.C. Board, Mumbai.
4. Sub-Regional Officer- Kolhapur, M.P.C. Board, Kolhapur. - For necessary follow up action.

११
दखल ता: २२/१२/२०१७
ब्युरो वि. भाग (को. म. न. पा.)

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

Annexure WICE

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail: rokolhapur@mpcb.gov.in



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.

Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/CD/ 3113112

Date: 27/12/2017

To,
The Commissioner,
Kolhapur Municipal Corporation Kolhapur,
Dist- Kolhapur.

Sub: Direction u/s 33A of Water (Prevention & Control of
Pollution) Act, 1974 and rules made their under.

- Ref: 1. Letter issued vide no.1905 dtd. 14.9.2017
2. Directions issued vide no. 2405 dtd. 12.10.2017
3. Letter issued vide no.2533 dtd. 30.10.2017
4. Directions issued vide no. 2387 dtd. 21.11.2017.
5. Proposal submitted by SRO Kolhapur on 18.12.2017.
6. Compliant of Shri. Uday Gaikwad, NGO to The Hon'ble Environment
Minister & Direction from Hon'ble Environment Minister to initiate
necessary action.
7. Compliant of Shiv Sena Zilla Pramukh Shri. Sanjay Pawar & Shri. Vijay
Devane regarding Panchaganga river Pollution.
7. Instruction given by JD (WPC) dtd. 27.12.2017.

WHEREAS, Kolhapur Municipal Corporation is located on the basin of Panchaganga river in the pollution prevention area. It is obligatory on your part to comply the environmental acts including the provision of Water (P & CP) Act, 1974.

AND WHEREAS, it is obligatory on your part to provide adequate collection, treatment and disposal system for the domestic effluent generating from the municipal corporation area and to achieve standards prescribed by the Board in its consent order and to control of the Panchaganga river pollution.

AND WHEREAS, the Dy. Chairman, Panchaganga River Pollution Control, Vigilance and Coordination Committee has conducted review meeting with the committee members and all the government officials on 19-09-2017 about control of Panchaganga river pollution with respect to the direction of the Hon'ble High Court, Mumbai order in case of PIL No. 183/2012. In this meeting all the environmental pollution issues related to Kolhapur Municipal Corporation were discussed.

AND WHEREAS, the accident was took place of domestic effluent carrying pipe line across the Jayanti Nalla Bridge was collapsed due to heavy rain fall on 14-09-2017. Due to this disconnection of pipeline and non-operation of the pumping station untreated domestic effluent along with sewage mixing into the Panchaganga River. In this context, this office has informed to you to take effective steps to control of pollution of Panchaganga River by stoppage and mixing of domestic effluent into Panchaganga River. But till date in spite of instructions given by the undersigned it was observed that no effective steps and efforts not taken for erection of sewage carrying pipeline and control of pollution of Panchaganga river by stoppage and mixing of domestic effluent into Panchaganga river.

AND WHEREAS, the personal hearing was extended to you by Regional Officer Kolhapur on 10-11-2017 and various directions under section 33 A of the Water (P & C of P) Act, 1974.

AND WHEREAS, you have failed to comply with the above directions in spite of giving sufficient period to comply with same.

AND WHEREAS, there was continuous discharge of untreated sewage in Panchaganga river at Jayanti nalla since 14 September 2017.

AND WHEREAS, there are continuous complaints to MPC Board in respect of disposal of untreated sewage in river Panchaganga and thereby river pollution.

AND WHEREAS, there was fish kill in large scale at Terwad Bandhara on 26-12-2017 and agitation by nearby farmers to stop the disposal of KMC sewage in Panchaganga.

AND WHEREAS after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & willfully causing grave injury to the environment thereby violating various Environment enactments.

NOW, THEREFORE in exercise of the powers conferred upon me under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974, I, Dilip K. Khedkar, Regional Officer hereby direct you to stop all discharge of sewage Panchaganga river and operation of the STP immediately to avoid further damage to the surrounding environment. The competent authorities are directed to disconnect the electricity supply to your head office for one hour (11.30 am to 12.30 pm) as symbolic action and your attention towards this issue, which may please be noted.

This is issued with approval of competent authority of the Board.

FOR AND ON BEHALF
OF THE BOARD



(Dilip K. Khedkar)
Regional Officer, Kolhapur

Copy submitted for favor of information to:

1. The Member Secretary, M.P.C. Board, Mumbai.
2. Joint Director (APC), M.P.C. Board, Mumbai.
3. Sr. Law Officer, M.P.C. Board, Mumbai.

Copy for information & necessary action:

3. The Executive Engineer, Maharashtra State Electricity Distribution Co. Ltd., (Urban Div.) Tarabai Park, Kolhapur,

- You are directed to disconnect electricity supply of Municipal Corporation Kolhapur immediately after receipt of these Directions for one hour and report the compliance.



(Dilip K. Khedkar)
Regional Officer, Kolhapur

Copy to:

1. Sub-Regional Officer, M.P.C. Board, Kolhapur.
- He is requested to serve the direction to the Municipal Corporation, M.S.E.D. Co. Ltd. (Urban Div.) Tarabai Park, Kolhapur, & keep vigil & report the compliance accordingly.
2. Shri. Uday Gaikwad/ Shri. Sanjay Pawar & Vijay Devane/ Shri. Vishwas Balighate, Shri. Bandu Patil & others