

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No.105/2022**

Arif Nawaz M.M. Iraqi

... Applicant

v/s

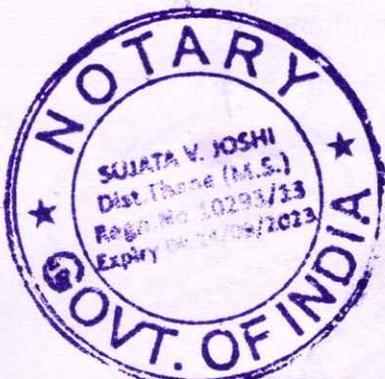
State of Maharashtra & Ors.

... Respondents

**Affidavit on behalf of the Respondent-
Maharashtra Pollution Control Board**

I, Ravindra Andhale, Age 55 years Adult, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Thane, having my office at 5th Floor, Office Complex Building, Near Mulund Check Naka, Wagle Estate, Thane-400 604, do hereby state on solemn affirmation as under:-

- (1) I have perused the papers and proceedings in the above matter. I am conversant with the facts of the case and am able to depose the same. I am filing this affidavit in compliance of the Order dated 20/9/2022 passed by this Hon'ble Tribunal.
- (2) I say and submit that the Respondent-MPCB has issued Directions u/s 33A of the Water (Prevention & Pollution Control) Act, 1974 to the Thane Municipal Corporation vide

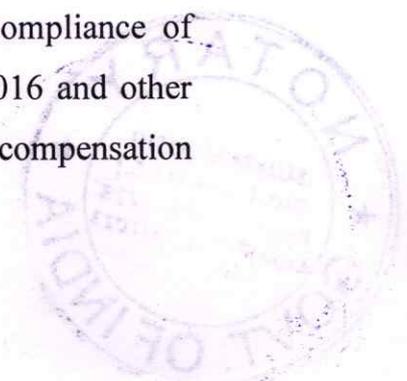


letter dated 11/09/2019, wherein, it has been directed as follows:

- (i) To submit time bound action plan for 100 % treatment of generated sewage and achieving effluent discharge standards for STPs.
- (ii) Prepare and furnish action plan for utilization of treated sewage.
- (iii) Why the municipal corporation shall not be levied maximum environmental compensation recommended for untreated/partially treated sewage discharge as per Hon'ble NGT order dated 28/08/2019 in OA No. 593/2017 in Paryavaran Suraksha Samiti Vs Union of India.

(3) I further say and submit that on the basis of non-compliance observed during the visit of the officials of the Respondent-MPCB at Thane on 31/12/2020, the Respondent-MPCB has issued Show Cause Notice vide letter dtd.18/2/2021 and directed the Thane Municipal Corporation to attend personal hearing on 26/2/2021 and on the basis of observations during the hearing, the Respondent-MPCB has issued directions vide letter dated 27/4/2021 to the Thane Municipal Corporation.

(4) I say and submit that further the Respondent-MPCB has issued Directions vide letter dated 28/7/2021 for non-compliance of Hon'ble NGT order dated 2/7/2020 in Original Application No. 606/2018 in the matter of compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues and directed to pay final compensation



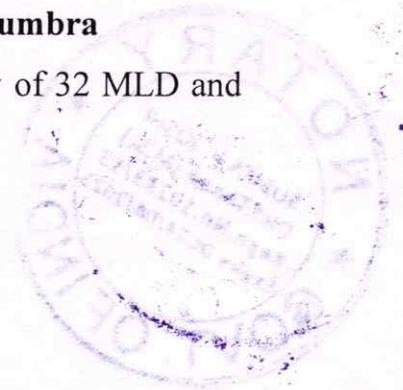
at the rate of Rs. 10 lakh per month from 1/4/2020 till compliance towards Solid Waste management rules 2016 and final compensation at the rate of Rs. 10 lakh per month from 1/4/2020 till compliance towards the non-compliances of legacy Waste Management for not starting the work of bioremediation of legacy waste.

(5) I say and submit that this Hon'ble Tribunal vide order dated 4/2/2022 constituted a Joint Committee comprising of representatives of the Central Pollution Control Board; Maharashtra Pollution Control Board; Chairperson, Maharashtra Coastal Zone Management Authority; Commissioner, Municipal Corporation & District Magistrate, Thane, Maharashtra and directed to submit Factual and Action Taken Report. Accordingly, the Joint Committee submitted its report before this Hon'ble NGT vide email dtd.8/8/2022, which was taken on record by this Hon'ble Tribunal.

(6) I say and submit that in order to verify the present status, the officials of the Respondent Board at Thane alongwith the representative of Thane Municipal Corporation visited to the site of Solid Waste Treatment Plant at Mumbra, Solid Waste Processing Facility at Mumbra and Diva on 15/11/2022 and observed as follows :-

A. Observations during visit to STP at Mumbra

1. STP found in operation, having capacity of 32 MLD and the present inlet flow is about 6-7 MLD.

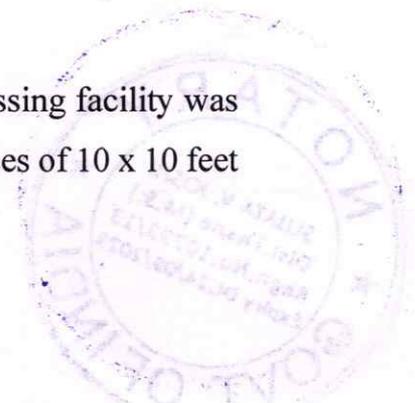


2. STP consists of inlet chamber, screening, removal, distribution chamber 4 No. Of SBR, Chlorine contact tank, centrifuge house, sludge pit.
3. During visit out of 4 No. Of SBR, 2 SBR are found in operation; TMC representative informed that other two SBR will be taken in operation once the adequate quantity of sewage water will be available.
4. Flow meter provided to inlet & outlet of STP and found in operation.
5. Treated effluent is used for gardening purpose, pipeline choke up cleaning & remaining discharged into creek. STP sludge is used as manure.
6. During visit TMC officials informed that house-to-sewer line connections are under progress since 2019, but not yet completed. Upon completion of these connections, 15 MLD sewage will be collected and treated in existing STP.
7. TMC has not installed OCEMS to Mumbra STP.

B. Joint vigilance samples were collected from the inlet and outlet of STP in presence of TMC representative and the analysis results of the samples collected on 15/11/2022 reveals that the parameters of STP outlet sample are within prescribed limit.

C. Observations during visit to Diva dry waste processing plant

1. During visit the the dry waste processing facility was not found in operation, which comprises of 10 x 10 feet



tin shed room with no electricity connection and No equipment/ machines found at the centre.

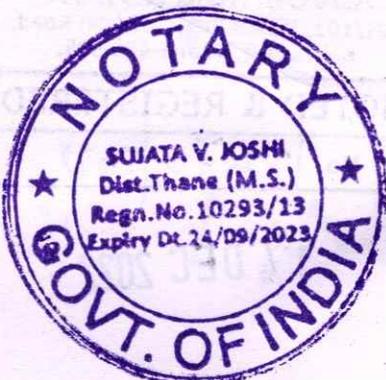
2. It seems that dry waste receipt & processing is not being carried out at said centre and the record of waste receipt & processing was not found at centre.

D. During visit, the Mumbra (Retibunder) dry waste processing plant was not found in operation & observed as closed.

E. Observations during visit to Kalwa Tolnaka, Kalwa dry waste processing plant :-

1. During visit it was informed that received waste is segregated manually & sent to recycler located at Manor, Palghar and there is no equipment & machinery at site.
2. During visit, the segregated waste such as mixed plastic (around 500 Kg), Puttha/Paper (around 250 Kg), Thermocol (around 40 Kg), Milk pouches (around 150 Kg) mixed polythene bags (around 100 kg), glass waste (150 kg & other scrap material (around 200 Kg) found stored at centre. Copies of the visit reports dtd.15/11/2022 are enclosed herewith and marked as an **Annexure-'I' collectively.**

- (7) I say and submit in view of the above non-compliances, the Respondent-MPCB has issued Proposed Directions dated 25/11/2022. A copy of the proposed directions



dtd.25/11/2022 is enclosed herewith and marked as an Annexure-'II'.

Solemnly affirmed on this 14 th day of December 2022 at Thane.

For and on behalf of the Maharashtra Pollution Control Board,

Ravi

(Ravindra Andhale)
Regional Officer, Thane



NOTARISED

Sujata V. Joshi
SUJATA V. JOSHI
ADVOCATE & NOTARY
101/102, Vishal Bldg., Station Road,
Kalwa (W), Thane-400 605.

NOTED & REGISTERED
Sr. No. 12670/2022

14 DEC 2022



MAHARASHTRA POLLUTION CONTROL BOARD



Tel No. 25829582

Email - srothane1@mpcb.gov.in

Sub Regional Office, Thane-1
Office Complex Bldg.,
5th Floor, Wagle Estate,
Near Mulund Check Naka,
Thane - 400604



VISIT REPORT

1. Name & Address of the Industry : M/s. Thane Municipal Corporation, solid waste processing (Bio composting plant), Kausa.
2. Date of Visit : 15-11-2022
3. Industry Representative : Mr. Azad Jayswar
Plant operator
4. Consent Status : Applied for authorization.
5. Observation :

During visit following observations are made;

1. Time has provided two no. of Bio-composting plant of capacity 5 TPD each only, same was in operation at the time of visit.
2. During visit Bio-methanization plant of 10 TPD not observed at said site.
3. During visit plant operator informed that, vegetable market waste & Hotel waste approx 7 to 10 TPD collected from Kausa Mubra area for processing.
4. Time has not provided any treatment system for leachate/slurry generated from processing plant. Presently leachate/slurry generated from processing plant is discharged into local drain.

Azad Jayswar
Plant operator
The solid waste,
Kausa site,

R. B. Sange
Field officer
MPCB Thane-1

(Shakil Shailen)
SRO Thane-1
MPCB

Name & Address of Facility

MIS Thane Municipal Corporation
(Dry waste centre)
Near Kalwa Tori Naka,
Kalwa.

Date of visit

= 15-11-2022

TMC Representative

Nirmitte Salgaonkar
TMC

consent status

Atash Anise (Shakti Plastic)

Observation



1. During visit it is informed that ~~collected~~ waste is segregated & sorted manually & send to ^{Recycler} ~~manoe~~ ^{Manoj Patil}.
2. There is no equipment & machinery at site.
3. During visit sorted waste such as mixed plastic (around 500 kg), Putna/ Paper (around 250 kg), Thermocol (around 40 kg), milk pouches (around 150 kg) mixed polythene bags (around 100 kg) glass waste (150 kg) & other scrap material (around 200 kg) found stored at centre:

~~Atash~~
(Atash Anise)
Shakti Plastic
Operator

~~Salgaonkar~~
(Nirmitte Salgaonkar)
TMC Representative

~~Behera~~
(R.S. Sarma)
Fo - mp (Bharat)

~~Wadhwa~~
(Shakti Shakti)
SPO Thane -
mpcB

MAHARASHTRA POLLUTION CONTROL BOARD



Tel No. 25829582

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Sub Regional Office, Thane-I
Office Complex Bldg.,
5th Floor, Wagle Estate,
Near Mulund Check Naka,
Thane - 400604

VISIT REPORT

1. Name & Address of the Industry : M/s. Thane Municipal Corporation.
Divya Processing Plant (Dry waste)
2. Date of Visit : OPP Divya Processing Samiti, Divya.
3. Industry Representative : Nirmitee Salgaonkar (TMC)
Akash Anise (Shakti Plastic)
4. Consent Status : -
5. Observation :



1. During visit to said dry waste processing facility, same was not found in operation.
2. Dry waste processing centre comprises of 10x10 feet tin shed room with no electricity connection.
3. No equipment / machines found at the centre.
4. No workers found at the centre.
5. It seems that dry waste receipt & processing is not carry out at said centre.
6. Record of waste receipt & processing were not found at centre.

Akash Anise
(Shakti Plastic)
Superintendent

Nirmitee Salgaonkar
(TMC Representative)

Shalini Shalini
SRO Thane - I

Name & Address : - Mrs. Thame Municipal
Cooperation.
Day waste centre
Mumbai Retibunder Road
Mumbai.

Date of visit : - 15-11-2022

Consent status : - Niemitte Salgaonkar
(TMC)

Observation : - Atash Anise (Shakti Plastic)

During visit said day waste facility not found in operation & observed closed

~~Atash~~

(AKASH Anise)
Shakti Plastic

Salgaonkar.

(Niemitte Salgaonkar)
TMC Representative

~~Thame~~
(R.S. Sam)
Fo-Thame-1
MPCB

~~(Shakti Shaiikh)~~
SPo Thame-1
MPCB



MAHARASHTRA POLLUTION CONTROL BOARD



Tel No. 25829582

Email - srothane1@mpcb.gov.in

Sub Regional Office, Thane-1
Office Complex Bldg.,
5th Floor, Wagle Estate,
Near Mulund Check Naka,
Thane - 400604



VISIT REPORT

1. Name & Address of the Industry : M/s. Thane Municipal Co-operation.
(Mumbai STP)
32 MLD.
2. Date of Visit : Shri. Peashant Mhatre
15/11/2022
3. Industry Representative :
4. Consent Status : Consent valid upto
31.12.2021, Applied
for renewal of consent.
5. Observation :

1. During visit STP found in operation.
2. Capacity of STP is 32 MLD.
3. Present inlet flow is about 6-7 MLD
4. STP consists of inlet chamber, screening, grit removal, distribution chamber & no. of SBR, chlorine contact tank, centrifuge house, sludge pit.
5. During visit out of 4 no. of SBR, 2 SBR are found in operation & TMC representative informed that

Other two SBR will be taken in operation once the adequate quantity of sewage water will be available.

6. Flow meter provided to inlet & outlet of STP is found in operation

7. Treated effluent use for gardening purpose, setting vehicle for pipeline chock up cleaning & remaining discharged in to creek. STP sludge is use as manure.



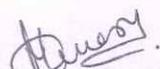
8. During visit the officials informed that houses to sewer line connections are under progress since 2019, but not yet completed. Upon completion of these connections about 15 MLD sewage will be collected and treated in existing STP.

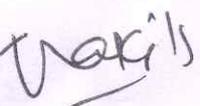
9. As per directions issued by CPCB vide dt. 07.08.2020 the has not installed OCEMS to Mumbai STP.

10. The shall submit details of submission of Bank Guarantee.

11. The shall comply consent conditions.


15/11/20
Prashant Mhatre
MTC Representative


(R. S. Sene)
FO, Thane-1
MPCB


(Ghazal Shaikh)
Sub-Regional
Officer, Thane
MPCB.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272		Regional Office, Thane
Fax : 25805398		5 th Floor, Office Complex Bldg.,
Website: http://mpcb.gov.in		Near Mulund Check Naka,
E-mail Id: rothane@mpcb.gov.in		Wagle Estate, Thane-400 604.
"Your Service is Our Duty"		

No. MPCB/ROT/PD/2211250008

Date : 25/11/2022

To,
Pollution Control Officer,
Pollution Control Department,
M/s. Thane Municipal Corporation,
Sewage Treatment Plant at Mumbra,
Thane.



Sub: Proposed Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974.

- Ref: -1) Consent granted by the Board.
2) Direction issued u/s 33A of Water Act by MPC Board vide letter dtd. 11/09/2019.
3) Show Cause Notice issued by Board vide no. MPCB/ROT/SCN-P/2102180002 dated 18.2.2021.
4) Order dtd. 04/02/2022 passed by Hon'ble NGT Principal Bench in original application No. 105/2022 filed by Mr. Arif Nawaz M.M. Iraqi.
5) Joint Committee visit held on 21/04/2022.
6) Action proposal submitted by Sub-Regional Officer, Thane-I vide Legal Unique No. MPCB-LEGAL_ACTIONS- 280422018, dt. 28/04/2022.
7) Proposed direction dtd. 11/05/2022.

WHEREAS, you are operating your sewage treatment plant in Water & Air pollution prevention area declared under Water (P & CP) Act, 1974 Air (P & CP) Act, 1981 and Solid Waste Management Rules, 2016.

AND WHEREAS, it is obligatory on your part to obtain consent to operate under Water (P & CP) Act, 1974 and Air (P & CP) Act, 1981 and to comply with condition stipulated in the consent and provide necessary water & air pollution control devices and operate them continuously and efficiently so as to meet the standards prescribed by the Board at all times.

AND WHEREAS, Board has granted Consent to 1st Operate for 5 Nos of STP & Renewal of Consent to Operate for 9 Nos of STP's at Kopri, Mumbra, Vartak nagar, Vitawa, Everest Kolshet, Lodha Majiwada, Kharegaon, Nagla bundar, Hiranandani, Dosti imperia, Dosti planet north shil, Kaveri rental majiwada, Rosa Gardenia hospital and Lodha balkum rental with certain conditions.

AND WHEREAS, Board has already issued directions under provisions of Water Act, 1974 to Thane Municipal Corporation from time to time to submit time bound action plan for 100% treatment of the generated sewage and achieving effluent discharge standards for STPs; to prepare and furnish action plan for utilization of treated sewage and why Environmental Compensation of Rs. 10 lakh/day shall not be levied on Municipal Corporation, in the NGT matter of O.A. no. 593/2017, O.A. no. 673/2018 and O.A. No. 105/2022.

AND WHEREAS, in context to the NGT matter of O.A. No. 105/2022, officials of Sub Regional office Thane-I visited the area under discussion on dtd 15/11/2022 and observed following non-compliances:

- 1) STP at Mumbra : Out of 4 No. of SBR, 2 SBR were found not in operation due to inadequate inflow of sewage as the connection of house hold sewer line to STP is incomplete and is under progress since 2019.
- 2) As per directions issued by CPCB vide dtd. 07.08.2020 TMC has not installed OCEMS to Mumbra STP.
- 3) Bank Guarantee as per existing consent to operate of STPs is not submitted by TMC.
- 4) TMC has not provided any treatment system for leachate / slurry generated from processing plant of 10 TMD Bio-composting plant of Kausa.
- 5) You have not provided Bio-methanization plant of 10 TPD at Kausa Bio composting plant site.
- 6) Diva & Mumbra dry waste processing plants were not in operation during visit.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities):

- a. Why legal action including shall not be initiated against Thane Municipal Corporation for violation of the provisions of the aforementioned Acts?
- b. Why the Environmental compensation shall not be levied on the Thane Municipal Corporation?

You shall submit reply to this direction and documents you want to rely upon within seven days failing in which, further legal action will be initiated against your corporation, which may please be noted.

Ravi 25/11/22
(R. B. Andhale)
Regional Officer, Thane

Copy submitted to :
Joint Director (WPC), MPC Board, Sion, Mumbai-22.

Copy to:-
Sub-Regional Officer, M.P.C. Board, Thane-I - He is directed to serve these directions to corporation and submit compliance.

Master file.

