

MAHARASHTRA POLLUTION CONTROL BOARD

Regional office, Kolhapur,

Udyog Bhavan, Near Collector Office

Dist- Kolhapur

Action Taken Report

Original Application No 108/ 2021(WZ)

I.A. No 05/2022 (WZ)

In compliance of order dated 01.02.2022 of the

Hon'ble National Green Tribunal,

Western Zone Bench,

Pune



ACTION TAKEN REPORT

In the matter of Original Application No 108/ 2021(WZ)

I.A. No 05/2022 (WZ)

Balvant Parchure

Vs

Guhagar Nagar Panchayat & Ors

Hon'ble National Green Tribunal, Western Zone Bench, Pune has passed an orders dated 01.02.2022 in the matter of Original Application No 108/ 2021(WZ) I.A. No 05/2022 (WZ). In compliance of said order the joint committee has been constituted comprising members of 1) Representative of Nagar Panchayat Guhagar, Khalcha Pat Guhagar, Ratnagiri. & 2) Representative of Maharashtra Pollution Control Board, (MPCB).

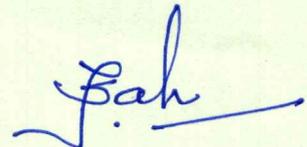
The committee has been directed to visit the place and submit factual and action taken Report within four weeks. MPCB is a Nodal Agency for coordination and logistic support.

1. In compliance of the order passed by the Hon'ble National Green Tribunal, Western Zone Bench, Pune dated 01.02.2022, accordingly joint committee visited the solid waste dumping site at plot No 191 H. No. 1/1 Mouje Guhagar, Tq. Guhagar Dist. Ratnagiri on 16-03-2022. A copy of said committee visit report is attached and marked as an **Annexure "I"**.
2. The Joint Committee noted that issues raised by the applicant broadly pertain to violations of CRZ and Environment enactments i.e. Guhagar Nagar Panchayat still composting, dumping and throwing solid waste into Sea shore area nearby the Turtle nesting site. The permission denied by MCZM Authority and directed to Nagar Panchayat to relocate existing composting pits to non CRZ area and shift the existing pits/ dumping site. A copy of Minutes of 122nd meeting of the MCZM Authority held dtd. 30-10-2017 attached and marked as an **Annexure-"II"**.
3. The Guhagar Nagar Panchayat was established in 2012 with population is around 7300 soul. The above solid waste dumping site is falls under CRZ area vide letter dtd. 22.08.2013 and also MPCB has not authorized the same site. Letter from



Maharashtra Coastal Zone Management Authority attached and marked as an **Annexure-“III”**. The composting pits for wet waste were started in 2012 by Guhagar Nagar Panchayat at plot No 191H. No. 1/1 Mouje Guhagar, Tq. Guhagar Dist. Ratnagiri. However, the dumping and composting activity was stopped at the aforesaid plot from 22 January 2022. At present there is no dumped garbage observed at site, only five nos of constructed composting pits and one open shed are available at site. The total 1.0 ton per day of solid waste generated within the limits of Guhagar Nagar Panchayat , out of that 0.7 ton of wet waste is being directly disposed to the nearby farmers who are doing vermicomposting through composting pits and composted material used as manure. The remaining 0.3 tons of dry waste is collected and stored near Guhagar Nagar Panchayat office building premises and after segregation, the same is sale out to the recycler. Excluding the CRZ area, the Guhagar Nagar Panchayat is developing a new Solid Waste processing site at Gut No. 134/9, Mouje Guhagar, Dist. Ratnagiri. The Collector Ratnagiri has given approval for solid waste management at new site Gut No. 134/9, Mouje Guhagar, Dist. Ratnagiri vide letter dtd. 31-03-2021. A copy of letter of District Collector, Ratnagiri attached and marked as an **Annexure-“IV”**.

4. The violations were noted by the committee under the Solid Waste Management Rules, 2016. Accordingly, Board has issued proposed direction to M/s. Guhagar Nagar Panchayat under section 33A of Water (Prevention and Control of Pollution) Act, 1974 vide letter dtd. 17-03-2022 on the ground that Municipal solid Waste dumped unscientifically on unauthorized site and also for non-segregation of biodegradable and non-biodegradable. A copy of letter of direction attached and marked as an **Annexure-“V”**.



J. S. Salunkhe
Regional Officer
M. P. C. Board, Kolhapur

**MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, CHIPLUN**

Telephone: (02355) 261570

Visit Us At

Website: www.mpcb.gov.in

Email: srochiplun@mpcb.gov.in



2nd floor Parkar Complex,
224, Behind Nagar
Parishad, Tal. Chiplun,
Dist. Ratnagiri 415605.

"Your Service is our Duty"

VISIT REPORT

- 1) Name & address of Municipal Council :- Guhagar Nagar Panchayat
- 2) Date of Visit :- 16/3/22 [C class]
- 3) Name of Municipal Council Representative:- Smt. Jagdale, Planning Asst.
- 4) Authorization Status :- Not obtained Authorization, under MSW Rules.
- 5) **Observations** :-

As per Notice received from Registrar, N&T visited Guhagar Nagar Panchayat & following observations are made.

- 1) Guhagar Nagar Panchayat was established in 2012 & population is around 7300 soul.
- 2) Guhagar Municipal Council started composting pits for wet municipal solid wastes at plot no. 191, Mouje Guhagar, Dist. Ratnagiri since 2012.
- 3) Now Guhagar Municipal Council has stopped dumping & composting activities at plot no. 191 since 20 Jan 2022.
- 4) Representative of Guhagar Municipal Council told that through 3 Nos of vehicles municipal solid wastes are collected & wet wastes is directly disposed to nearby farmers who are doing vermi-composting through pits and composted material is used as manure. Collected dry wastes are stored near

- Guhagar Municipal Council's office building. All dry waste is segregated & disposed by sale to recycler.
- 5) Guhagar Municipal Council has not obtained Authorization under MSW Rules from MPCB for plot no. 191, Mouje Guhagar, Dist-Ratnagiri.
 - 6) Representative of Guhagar Municipal Council told that they are developing new MSW site at Gat no. 134/9, Mouje Guhagar, Dist-Ratnagiri which is out of CRZ area.
 - 7) Collector Office, Ratnagiri had given approval vide letter dated 31/3/2024 for new proposed site.
 - 8) At plot no. 191, Mouje Guhagar, Dist-Ratnagiri, there are constructed five nos of compost pits & small open shed & no garbage observed.
 - 9) Sampler of domestic sewage & Arabian sea water are collected.

~~Jagdale~~

[Shri. Jagdale]
 Planning Assistant
 Town Planning Assistant
 Guhagar NagarPanchayat

~~Auti~~

[Shri. Auti]
 SRO

Minutes of 122nd meeting of the Maharashtra Coastal Zone Management Authority held on 30th October, 2017

6/11
Annexure-II
Exhibit A

10

Item No. 14: Proposed construction of residential building on plot bearing S. No. 25, H. No. 1C1B, mouje Ambeshet, Tal. Dist. Ratnagiri by Shri. Prabhakar Ramchandra Wadekar

The project proponent presented the proposal before the Authority. The Authority noted that the proposal is for proposed construction of residential building on plot bearing S. No. 25, H. No. 1C1B, mouje Ambeshet, Tal. Dist. Ratnagiri. The plot under reference falls in CRZ-III area & within 200 m - 500m from HTL. As per layout plan submitted by PP, proposed residential building comprises of Ground floor on plot under reference. Area of plot is 19200.00 sqm.

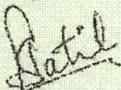
The Authority noted that as per the para 8.II. CRZ III of the CRZ Notification, 2011, , Construction of dwelling units comprising Ground + 1st floor with max height of 9 meter for local traditional communities are allowed beyond 200 m from the HTL of the Seafront in CRZ III area.

After deliberation, the Authority decided to recommend the proposal from CRZ point of view to concern planning Authority subject to following conditions:

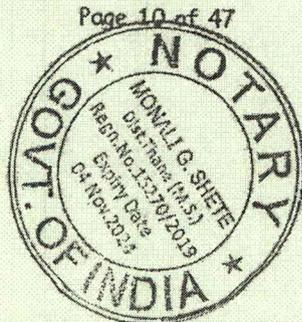
1. Proposed project should be as per the provisions of CRZ Notification, 2011 (amended from time to time)
- Local body to ensure that the PP is local inhabitant.
- Local body to ensure that no construction is started on site.
- Local body to ensure that the proposed construction is within Ground + 1st floor with max height 9 m for residential use.
5. All other required permissions from different statutory authorities should be obtained prior to commencement of work

Item No. 15: Proposed redevelopment of Municipal Solid Waste Composting Project on plot bearing S. No. 491, H.No. 1/1 at mouje Guhagar, Tal. Guhagar, Dist. Ratnagiri by Guhagar Nagar Panchayat

The officials of Guhagar Nagar Panchayat presented the proposal before the Authority. The Authority noted that the proposal is for proposed redevelopment of Municipal Solid Waste Composting Project on plot bearing S.


Member Secretary


Chairman



Minutes of 122nd meeting of the Maharashtra Coastal Zone Management Authority held on 30th October, 2017

No. 491, H.No. 1/1 at mouje Guhagar, Tal. Guhagar, Dist. Ratnagiri. The plot under reference falls in CRZ-III area & adjoining to HTL of Arabian Sea.

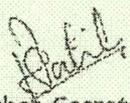
The officials of Guhagar Nagar Panchayat presented that, total 2 tons of Solid Waste generated within the limit of Guhagar Nagar Panchayat, out of that 1 ton is wet solid waste. 0.5 ton of wet solid waste has been composted in individual property by their own and remaining 0.5 ton of wet solid waste has been collected by Guhagar Nagar Panchayat and composted in composting pit at site under reference. Guhagar Nagar Panchayat requested for redevelopment of said composting pit

After deliberation, the Authority observed that, due to existing composting pit, tidal water may contaminate and marine ecosystem will be disturbed. Therefore, the the Authority decided to reject the proposal and direct Guhagar Nagar Panchayat to relocate the existing composting pit to non CRZ area and compliance report should be submitted to the Authority. Legal action may be initiated in case of failure to shift the existing pits / dumping site etc.

Item No. 16: Proposed construction of residential & residential lodging (Commercial) on plot bearing S. No. 61, H. No. 2B at mouje Ganapatipule, Tal & Dist. Ratnagiri by Smt. Kusum Jayant Mete

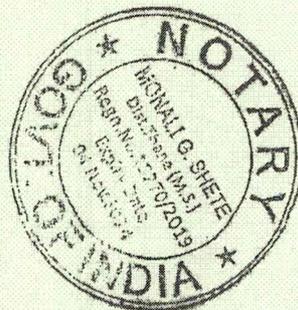
The project proponent presented the proposal before the Authority. The Authority noted that the proposal is for proposed construction of residential & residential lodging (Commercial) on plot bearing S. No. 61, H. No. 2B at mouje Ganapatipule, Tal & Dist. Ratnagiri. The plot under reference falls in CRZ-III area & within 200 m - 500m from HTL of Arabian Sea. As per layout plan submitted by PP, proposed residential & residential lodging (Commercial) comprises of comprising Stilt / Parking (pt) + Ground + 2nd floor on plot under reference. Area of plot is 800.00 sqm.

The Authority noted that as per the para 8.II. CRZ III of the CRZ Notification, 2011, Construction of dwelling units comprising Ground + 1st floor with max height of 9 meter for local traditional communities are allowed beyond 200 m from the HTL of the Seafront in CRZ III area.


Member Secretary

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Chairman



Annexure - III

MAHARASHTRA COASTAL ZONE MANAGEMENT AUTHORITY

Ref No: 228/2013
E-mail

No. Complaint 2013 CR-72 TC-4
Office of the
Maharashtra Coastal Zone Management Authority
Environment Department, Room No. 217(A) Annex
Mantralaya, Mumbai-400 032
Date: 22.08.2013

- To:
- 1) The Collector, Ratnagiri District
 - 2) The Chief Officer, Ratnagiri Municipal Council
 - 3) The Sarpanch, Nirma Grampanchayat, Gubagar

Subject: Complaint regarding illegal and unauthorized activities in CRZ I at Gubagar, Dist. Ratnagiri.

Sir,
Please find enclosed herewith the copy of the letter dated 16th June, 2013 received from Shri. Balvant M. Parchure on the above mentioned subject for examination and inquiry with due priority. The complainant alleged that illegal construction activities have been carried out in CRZ I areas.

If any violation of provisions of CRZ Notification, 1991 as well as 2011 is observed, you are kindly requested to take appropriate legal action under relevant acts in the matter and send the detailed action taken report to the authority within a period of 15 days.

Yours Sincerely,

[Signature]
Member Secretary (M/ZMA)

Enclosure: Copy of the complaint dated 16th June, 2013.

Copy for information to:

- 1) The Chairman, Maharashtra Coastal Zone Management Authority, Mantralaya, Mumbai-400 032
- 2) Shri. Balvant M. Parchure, M/303, Generation Bldg, SBI Colony, Sector 11, Nerul, Navi Mumbai-400 706
- 3) Select File etc.



जिल्हाधिकारी कार्यालय (भूसंपादन) समन्वय शाखा, रत्नागिरी

रूम नं. 202, दुसरा मजला, जयस्तंभ, जिल्हाधिकारी कार्यालय आवार, जुनी इमारत, रत्नागिरी

ई-मेल : plaoratnagir@gmail.com

फोन : 02352-226248

क्र.भूसंमन्वय/कार्या-1/थेट खरेदी/बैठक/2021

दिनांक : 31/03/2021

प्रति,

- 1) सा. अधीक्षक अभियंता, सार्वजनिक बांधकाम मंडळ, रत्नागिरी
- 2) सा. अधीक्षक अभियंता, रत्नागिरी पाटबंधारे मंडळ, कुवारबांव रत्नागिरी
- 3) जिल्हा सरकारी वकील, रत्नागिरी
- 4) उपविभागीय अधिकारी, रत्नागिरी
- 5) उपविभागीय अधिकारी, दापोली
- 6) उपविभागीय अधिकारी, चिपळूण
- 7) उपविभागीय अधिकारी, राजापूर
- 8) जिल्हा प्रशासन अधिकारी (न.पा.प्र.) जिल्हाधिकारी कार्यालय, रत्नागिरी
- 9) सहाय्यक संचालक नगररचना, रत्नागिरी
- 10) मुख्याधिकारी, रत्नागिरी नगरपरिषद, रत्नागिरी
- 11) मुख्याधिकारी, लांजा नगरपंचायत, लांजा
- 12) मुख्याधिकारी, गुहागर नगरपंचायत, गुहागर
- 13) मुख्याधिकारी, मंडणगड नगरपंचायत, मंडणगड

विषय :- खाजगी क्षेत्रातील जमिन सिंचन व इतर प्रकल्पांसाठी खाजगी वाटाघाटीद्वारे थेट खरेदी पध्दतीने घेणे.

खाजगी क्षेत्रातील जमिन सिंचन व इतर प्रकल्पांसाठी खाजगी वाटाघाटीद्वारे थेट खरेदी पध्दतीने घेणेबाबत शासन निर्णय दिनांक 12 मे, 2015 अन्वये गठीत करण्यात आलेल्या मुल्यांकन समितीची बैठक दिनांक 23-03-2021 रोजी दुपारी 12.00 वा. जिल्हाधिकारी कार्यालय, रत्नागिरी (नवीन इमारत) येथे आयोजित करण्यात आली होती. सदर बैठकीत खालील प्रस्ताव समितीचे मान्यतेसाठी सादर करण्यात आले.

अ.क्र.	संपादन संस्था	तपशिल
1	मुख्याधिकारी, रत्नागिरी नगर परिषद	आरक्षण क्र. 49 बालोद्यान (पूर्वचे) खेळाचे मैदान (आत्ताचे) या साठी संपादन करून मिळणेबाबत.
2	मुख्याधिकारी, लांजा नगरपंचायत, लांजा	घनकचरा प्रकल्प
3	मुख्याधिकारी, गुहागर नगरपंचायत, गुहागर	घनकचरा प्रकल्प
4	मुख्याधिकारी, मंडणगड नगरपंचायत, मंडणगड	घनकचरा प्रकल्प

वरीलपैकी अ.क्र. 1 व 4 चे प्रस्तावास मुल्यांकन समितीने मान्यता दिलेली आहे. सदर बैठकीचे इतिवृत्ताची प्रत सोबत जोडून पाठविण्यात येत असून, इतिवृत्ताचे अनुषंगाने संबंधितांनी आवश्यक कार्यवाही करावी.

गुहागर नगरपंचायत कार्यालय -	
आवक क्र. : 998	दि. 27/3/21
कार्यवाही खाते : 22/1/1	लिपिक
कार्यालय अधीक्षक / मुख्याधिकारी / नगराध्यक्ष	

(ऐश्वर्या काळशे)
उपजिल्हाधिकारी (भूसंपादन) समन्वय,
रत्नागिरी

Annexure-V

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.

No. MPCB/ROK/Chiplun/ 2203170003

Date: -17/03/2022.

To,
The Chief Officer.
 Guhagar NagarPanchayat
 At. Guhagar,, Dist. Ratnagiri.

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

Ref: - 1. Notice received from Registrar, NGT in Original Application No.108/2021 [WZ] I.A. No.05/2022, Shri.Balwant Parchure Vs Guhagar Nagar Panchayat;
 2. Visit of Board officials dated 16/03/2022
 3. Proposal submitted by SRO Chiplun.

WHEREAS, it was obligatory on your part to obtain valid consent/ Authorization and to provide full fledged effluent treatment plant & proper disposal arrangements for effluent & MSW generated from the local body & to operate the same round the clock so as to meet the standards prescribed by the Board and to obtain consent under the Water (Prevention & Control of Pollution) Act, 1974 & under the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, you have not yet applied for the consent to Establish/ operate to you the Board under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Waste (M & H) Rules, 1989 as amended in 2003.& not obtained MSW Authorization from MPCB

AND WHEREAS, treatment & disposal of municipal solid wastes is also not as per the provisions of MSW Rules.

Municipal Council has not applied for grant of Authorization for new site under MSW Rules to this office.

AND WHEREAS, the Officials of the Board visited the village on 16/03/2022 and observed following non compliance.

[Signature]

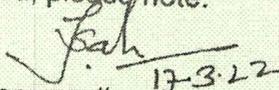
1. As per verification report of MPCB officials mixed MSW/Legacy waste was dumped unscientifically on unauthorized site, also you are not collecting & segregating the biodegradable & non-biodegradable municipal solid waste properly.
2. You are not provided treatment & disposal facility for the municipal solid waste generated from Guhaghar Nagarpanchayat. It is violation of MSW Rules, 2016.
3. You are failed to obtain MSW authorization under the MSW Rules, 2016.
4. You are not provided STP for treatment of sewage generated from Guhaghar Nagarpanchayat. Untreated sewage is directly mixed in to arebian sea.

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

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).

1. Why your industry shall not be closed down forthwith?
2. Why competent authorities shall not be directed to disconnect your water/electricity supply till you comply with the provision of the said Acts?

You are directed to file your reply within a period of seven days from the receipt of this notice, failing which further legal action will be initiated, please note.


17.3.22
(Jagannath salunkhe)
Regional Officer, Kolhapur

Copy to:

The Sub-Regional Officer, M.P.C.Board, Chiplun
- He is directed to serve keep vigil on the Local Body and report the compliance made time to time after issuance of these directions.