



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

**Original Application No.177/2016 (THC)**

Kaustubha Gokhale & Anr

---Applicant(s)

Vs

State of Maharashtra & Ors.

---Respondent(s)

**Additional Affidavit on behalf of Respondent No.7 -Maharashtra  
Pollution Control Board.**

I, B. M. Kukade, Age-53 years, Occupation -Service, the Regional Officer of the Maharashtra Pollution Control Board at Kalyan, having my office address at Siddhivinayak Sankul, 3<sup>rd</sup> Floor, Oak Bag, Station Road, Kalyan (West)-421 301, do hereby state on solemn affirmation as under:-

1. I am filing this Additional -Affidavit before this Hon'ble Tribunal on behalf of the Respondent - Maharashtra Pollution Control Board. The Respondent -Kalayn Dombivli Municipal Corporation(KDMC) generates 650 MT/day of solid waste in their Corporation area.



2. The present status of the Adharwadi site is as under :-

**(I) Adharwadi Site :-**

(a) Earlier the Respondent -Board had initiated actions against the Respondent-Kalyan Dombivli Municipal Corporation (KDMC) for dumping the municipal solid waste in an unscientific manner at unauthorized Adharwadi site from time to time. The Respondent Board had also filed Criminal Case bearing No.237/2015 against the Respondent -KDMC u/s 15 of the Environment (Protection) Act, 1986 r.w. Rule, 4, 7 & 9 of the Municipal Solid Waste (Management and Handling) Rules, 2000 before the Ld. JMFC-Kalyan. The matter is pending.

(b) In compliance of the orders dated 24/1/2020 and 2/7/2020 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No.606/2018 - In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 , the Respondent- Board has issued directions vide letter dated 28/7/2021 to the Respondent -Kalyan Dombivali Municipal Corporation to pay final compensation @ of Rs.10 Lakh per month from April, 2021 till compliance towards non-compliance of Legacy Waste Management as they have not completed bioremediation work of legacy waste before 7/4/2021.

(c) The Respondent Board has issued Prosecution Notice to KDMC vide letter dated 22/6/2022 for failure to provide Leachate Effluent Treatment Plant and the said leachates





were meeting to the adjoining Ulhas creek and also failure to comply with the directions issued on 28/7/2021 regarding payment of final compensation amounting to Rs.10 lacs and also failed to complete the Bio Remediation work of Legacy Waste before 7/4/2021. Respondent-KDMC has failed to pay the said compensation till date.

(d) In order to verify the present status, the Official of the Respondent Board at Kalyan alongwith the Junior Engineer of KDMC visited to the Adharwadi site on 3/2/2023 and observed as under :-

- i. KDMC has stopped dumping of solid waste at Adharwadi Dumping Site since May, 2021.
- ii. As informed by representative of KDMC, presently there is 16.0 Lakh cubic solid waste dumped at the said site.
- iii. KDMC has not made provision of bio-mining of MSW and Leachate Treatment System.
- iv. Not observed any MSW disposal at Dumping Site from outside.

A copy of the visit report dated 3/2/2023 is enclosed herewith and marked as an **Annexure-‘I’**.

**(II) MSW facility at Barve:**

- (a) KDMC had obtained Environmental Clearance vide letter dated 8/6/2018 for proposed 200 TPD Integrated Waste Management Facility at Barve.



(b) KDMC has obtained authorization from the Respondent-Board under the Solid Waste Management Rules, 2016 on 11/9/2019 for setting up and operating the solid waste processing / recycling / treatment / disposal facility of 150 MT/D at Barve which is valid upto 31/12/2023.

(c) During the visit of the Official of Respondent-Board at Kalyan alongwith representative of the Operator of the facility on 6/2/2023, it was observed as under :-

- i. KDMC Barve Site has Reprocessing Plant of Dry Waste-Non Biodegradable Waste. The total capacity of the said plant is about 200 TPD.
- ii. During the visit, the plant was found in operation.
- iii. They have provided segregation of dry waste, conveyor belt, sieving machine & crushing machine.
- iv. At present, average collection and reprocessing of dry waste is about 150 TPD.
- v. They have installed Leachate Treatment Plant at site to treat the leachate collected from Umberde MSW Site. The said treatment plant is not in operation from 14/1/2023 due to non-receipt of leachate.
- vi. Umberde MSW site has started Leachate Treatment Plant on their own site.
- vii. No foul smell observed during the visit.

A copy of the visit report dated 6/2/2023 is enclosed herewith and marked as an **Annexure-'II'**.





(III) MSW facility at Umberde :-

- (a) KDMC had obtained Environment Clearance on 8/6/2018 for Common Municipal Solid Waste Management Facility at Umberde.
- (b) They have obtained Authorization under the Solid Waste Management Rules, 2016 on 18/5/2020 to set up and operate Solid Waste Processing / Recycling / Treatment / Disposal Facility at Umberde, which is valid till 31/12/2024.
- (c) On the basis of complaint received from M/s.Envision Enviro Engineers regarding spreading of leachate from MSW site to adjacent plot causing smell nuisance, the Respondent Board has issued directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981 r.w. Solid Waste Management Rules, 2016 vide letter dated 20/1/2023.
- (d) During the visit of the Official of Respondent-Board at Kalyan alongwith representative of the Operator of the facility on 6/2/2023, it was observed as under :-
- i. KDMC has installed the Leachate Treatment Plant nearby Compost Pad. KDMC has not yet provided provision of drainage system to collect the leachate. The wall was found broken down at Compost Pad, hence, the leachate flows on open land.
  - ii. KDMC has not removed the MSW, which is dumped to adjacent plot of M/s.Envision Enviro



Engg.Pvt.Ltd. The leachate is not lifted, hence, pungent smell was observed.

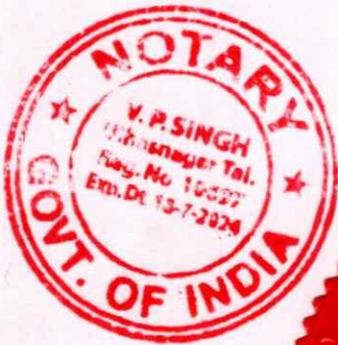
iii. MSW site is having capacity of 450 MT/Day and average collection of MSW is about 425 MT/Day in the month of January, 2023, which is found in operation.

A copy of the visit report dated 6/2/2023 is enclosed herewith and marked as an Annexure- 'III' respectively.

Solemnly affirmed on this 7<sup>th</sup> day of February, 2023 at Kalyan.

For and on behalf of Maharashtra Pollution Control Board,

*B. M. Kukade*  
(B. M. Kukade)  
Regional Officer-Kalyan



**Before me**

*V. P. Singh*  
07/02/2023

**V. P. SINGH**  
LL.B.  
ADVOCATE & NOTARY  
GOVT. OF INDIA  
Reg. No. 10697  
Flat No. 5 & 6, B-Wing,  
Hetal Co-op. Hsg. Society,  
Shahad (W)-421 103.



Notary Reg. No. 13/364  
Date 07/02/2023

MAHARASHTRA POLLUTION CONTROL BOARD  
Sub Regional Office, Kalyan-I

Tel. No. 95-251-2310167/212  
Fax No. 2310192  
Website: <http://mpcb.gov.in>  
E-mail: [srokalyan1@mpcb.gov.in](mailto:srokalyan1@mpcb.gov.in)



Sidhivinayak Sankul,  
3<sup>rd</sup> & 4<sup>th</sup> Floor, Near Oak Bag,  
Kalyan (West),  
Dist- Thane.

Visit report

3/02/2023

Name & Address of Industry	M/s. KDMC, Adharwadi Dumping Ground Kalyan, Dist- Thane		
Type of Industry	Red/Orange/Green —		
Factory Representative (Name, Phone Number & E-mail)	Mr. Mohammad Umer Jr. Engineer SWM		
Board Representative	Sub Regional Office, Kalyan-I		
Date of Visit	3 <sup>rd</sup> Feb, 2023		
Consent Status	C to E / O:- Dated - — Validity- —		
EC Status/ Location Status (PRZ/CRZ/Eco sensitive)	—		
Purpose of Visit	Present Status Report.		
Effluent Quantity	Domestic	— M <sup>3</sup> /day	Industrial — M <sup>3</sup> /day

Specific Observations.

- 1) KDMC has stopped dumping of solid waste at Adharwadi Dumping site since May 2021.
- 2) There was 16.0 lakh cubic solid waste presently found dumped at the sites reported.
- 3) ~~There have~~ KDMC has not made provision of Biomining of MSW & Leachate treatment system.
- 4) MPCB ~~board~~ has taken LES of untreated leachate at Adharwadi Dumping site. The analysis report exceeds the standards.
- 5) Not observed any MSW disposal at Dumping site from outside.

*(Signature)*  
(Mr. Mohammad Umer)

*(Signature)*  
PO, Kalyan-I

Maharashtra Pollution Control Board

SITE VISIT REPORT

Name of MSW site:- M/s. Barave Dumping Ground  
Village- Barave, KDMC  
Tal:- Kalyan, Dist- Thane

Date of visit :- dt. 6/02/2023

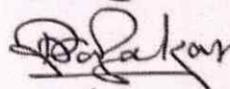
Contact Person :- Mr. Vinay Kumar Jha.

Specific observations

- 1) KDMC, Barave Dumping site, has reprocessing plant of Dry waste- Non-Biodegradable waste. The total capacity of plant is about 200 TPD.
- 2) During the visit, plant found in operation. Provisionary segregation of dry waste, conveyor belt, screening machines & crushing machines.
- 3) At present, Average collection & reprocessing of Dry waste is about 150 TPD.
- 4) Installed leachate Treatment plant at site to treat the leachate collected from Unberde MSW Dumping site. The treatment plant is not in operation from 14/01/2023. due to non-receipt of leachate. Unberde MSW site has started leachate treatment plant on their own site.
- 5) No foul smell observed during the visit.

Date: 06/02/23

(Mr. Vinay Kumar Jha)  
Operation M/s. Sourashtra Enviro  
Project Pvt. Ltd.

  
Fe, Kalyan-2



Maharashtra Pollution Control Board.  
SITE VISIT REPORT

8/02/2023

Name of MSW site :- KDMC Umberde Dumping  
Site at village Umberde  
Tal:- Kalyan, Dist-Thane

Contact Person :- Mr. Vinay Kumar Jha.

Date of Visit :- 6th Feb, 2023

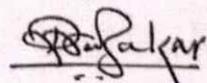
Purpose of Visit :- Verification of  
Compliance of Direction dt  
20/01/2023.

Specific Observation

- 1) MPCB Board has issued Direction to M/s. KDMC vide letter dt. 20/01/2023 } directed to submit the compliance report. M/s. KDMC has submitted the reply on dt. 02/02/2023.
- 2) M/s. KDMC has installed the Leachate treatment plant at nearby compost pad. Authority has not yet made provision of Dringee system to collect the leachate. The well was found broke down at compost pad, hence leachate flows on Open land.
- 3) M/s. KDMC has not removed the MSW which are dumped to adjacent plot of M/s. Enviro Engg. Pvt. Ltd. The leachate not lifted by Authority hence pungent smell occurs.
- 4) The MSW dumping site having capacity of 450 MT/day and Average Collection of MSW is about 425 MT/day in the month of January, 2023.

for 06/02/23

(Mr. Vinay Kumar Jha)  
Operator M/s. Sourashtra  
Enviro Project Pvt. Ltd.

  
P. S. Patil  
P. O, Kalyan-2