

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

### WESTERN ZONE BENCH AT PUNE

### ORIGINAL APPLICATION NO. 62 OF 2020

#### **IN THE MATTER OF:**

DAGADKHAN ASANGHATIT KAMGAR VIKAS

PARISHAD MAHARASHTRA,

...APPLICANT

VERSUS

STATE OF MAHARASHTRA & ORS.

...RESPONDENTS

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**Through**

**RITWICK DUTTA**

**RAHUL CHOUDHARY**

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Place:- Pune/Delhi

Dated:- 02.08.2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
ORIGINAL APPLICATION NO. 62 OF 2020/WZ**

**IN THE MATTER OF:**

**Dagadkhan Asanghatit Kamgar Vikas Parishad**

**...Applicant**

**Versus**

**State of Maharashtra & Ors.**

**...Respondents**



**ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT**

I, Bastu Rege, authorised representative of the Applicant Organisation, son of Moti Rege, resident of Santulan Bhavan, S. No. 55/2, Lane No. 7, Tuljabhavani Nagar, Nagar Road, Kharadi, Pune- 411014 do hereby solemnly affirm and declare as under:

1. That I am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the above titled Original Application has been filed raising substantial questions relating to the environment arising out of illegal dumping and burning of municipal solid waste on common land next to residential apartments and hutments of quarry workers at Wagheshwarnagar in Village Wagholi, Taluka Haweli, District Pune. This dumping and burning of solid waste is taking place in violation of the Solid Waste Management Rules, 2016.

*B. Rege*

3. That the Applicant is constrained to file the Additional Affidavit to highlight the constant dumping and burning of solid waste on the site causing large scale pollution in the area.
4. That vide Order dated 24.04.2023, the Hon'ble Tribunal had recorded the statement made by Respondent No. 6 (Pune Municipal Corporation) that no fresh waste is being dumped at the site. The Hon'ble Tribunal had recorded:

*"4. As regards the prayers, which are made by the Applicant, we have to decide as to whether direction be issued to the Respondent No. 6 to stop dumping on the common land at Gatt No. 1419 (earlier Gatt No. 2405) at Village Wagholi, Taluka Haveli, Pune. In this regard, **the learned Counsel for the Respondent No. 6 has submitted that the dumping has already been stopped since July, 2021, therefore, this prayer appears to have become infructuous.**"*

(Emphasis supplied)

5. That Respondent No. 6 (Pune Municipal Corporation) had also stated orally before the Hon'ble Tribunal (which has also been recorded in the Order dated 13.11.2022) that the legacy waste will be taken care of and removed by 31.01.2023:

*"9...The lifting of the legacy waste from the dumping site was stopped due to the non-availability of the tender, Page 5 of 5 hence, around 250 MT of mixed waste is present at the site, which would be taken care of by December, 2022. **But orally, the learned Counsel assured that the said legacy waste would be taken care of by 30th January, 2023.**"*

(Emphasis supplied)



6. That however, it is submitted that continuous fresh waste is being dumped at the site and the same is also being burnt causing pollution and nuisance to the people.
7. That these activities are taking place despite the statements of Respondent No. 6 recorded in the Orders of this Hon'ble Tribunal that no fresh waste has been dumped since July 2021 and legacy waste will also be treated by 30.01.2023.
8. That the Applicant visited the site on 27 May, 2023 and saw huge heaps of municipal solid waste being burnt on the ground. This burning of waste was causing massive air pollution and nuisance to the residents and students of the nearby school. Fresh waste was being constantly dumped and burnt causing health problems to the residents.
- Copy of photographs from 27 May, 2023 showing municipal solid waste being burnt at the site is annexed herewith as **ANNEXURE A-1**.
9. That such burning of solid waste is in violation of Rule 15 (g) of the Solid Waste Management Rules, 2016 that states that it is the responsibility of every local authority to ensure that no waste generator burns waste on streets or in open public areas:

***"15. Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations.-***

...

***(g) direct waste generators not to litter i.e throw or dispose of any waste such as paper, water bottles, liquor bottles, soft drink canes, tetra packs, fruit peel, wrappers, etc., or burn or burry waste on streets, open public spaces, drains, waste bodies and to segregate the waste at source as prescribed under these rules and hand over the segregated waste to authorised the waste pickers or waste collectors authorised by the local body."***

(Emphasis supplied)

*Blaze*

10. That burning of waste in open areas is also in violation of the Order dated 22.12.2016 of this Hon'ble Tribunal in **Almitra H. Patel v. Union of India & Ors. (Original Application No. 199 of 2014)** that prohibited burning of waste on lands and also computed an environmental compensation of Rs. 25,000 for bulk waste burning:

*"20. We specifically direct that there shall be complete prohibition on open burning of waste on lands, including at landfill sites. For each such incident or default, violators including the project proponent, concessionaire, ULB, any person or body responsible for such burning, shall be liable to pay environmental compensation of Rs. 5,000/- (Rs. Five Thousand only) in case of simple burning, while Rs. 25,000/- (Rs. Twenty Five Thousand only) in case of bulk waste burning. Environmental compensation shall be recovered as arrears of land revenue by the competent authority in accordance with law."*

(Emphasis supplied)

11. That the Applicant had also visited the site on 01.08.2023 and saw that fresh waste is still being dumped on the site, contrary to the undertaking given by Respondent No. 6 that no fresh waste has been dumped at the site since July 2021 and the legacy waste will also be taken care of by 30.01.2023.

Copy of photographs from August, 2023 showing fresh municipal solid waste at the site is annexed herewith as **ANNEXURE A-2**.

12. That this Hon'ble Tribunal may pass appropriate orders and directions in the present matter considering the new facts and current status on ground with respect to dumping and burning of waste.



**DEPONENT**

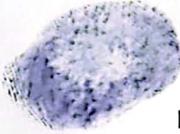


**VERIFICATION**

Verification at Pune on 02.08.2023.

That the contents of the above Affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.



   
**DEPONENT**



**BEFORE ME**  
  
**DILIP V. JEDHE**  
**NOTARY**  
**GOVT. OF INDIA**  
**NOTED & REGISTERED**  
AT SR. NO 113/2023  
DATE: 02/08/2023

Photographs showing burning of solid waste at site as on 27.05.2023





Photographs dated 01.08.2023 showing fresh dumping of waste at the site



