

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE

Original Application No. 179/2017 (WZ)

Atul Karle

--- Applicant

Vs.

Gram Panchayat Khadkale & Ors.

--- Respondents

Additional Affidavit on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 4 in compliance of Order dated 13/2/2023.

I, Nitin Shinde, Age – 57 years, Occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune – 2 having my office address at 2nd floor, Jog Center, Wakdewadi, Pune – 411 003 do hereby state on solemn affirmation as under –

- 1) I say and submit that Hon'ble Tribunal vide Order dated 13/2/2023 directed Maharashtra Pollution Control Board to file additional affidavit stating current position. In compliance of the Hon'ble NGT Order dtd.13/2/2023, the Official of the MPC Board at Pune carried out the visit on 24/2/2023 at Grampanchayat Khadkale (Kamshet), Tal. – Maval, Dist. –

Pune in presence of the Gramvikas Adhikari Mr. Vilas Kale.

During visit, it was observed as follows:-

- i) Grampanchayat Khadkale (Kamshet) has stopped the dumping of MSW at Gat No. 110 & 133 of Village Khamshet and informed that they have buried old MSW dumped on the said site. Therefore, calculation of approximate quantity of buried MSW was not possible. During visit, old plastic, cloth, paper waste etc. was observed on the said site; the said site is not in use now. Grampanchayat could not produce quantity of buried MSW.

The Grampanchayat Khadkale is now dumping MSW at Gat No. 217, Village – Kusgaon Kh., Tal. – Maval, District – Pune. During visit, it is observed that the said land is an old quarry. The segregation of said MSW is not done.

- iii) The dry and wet waste found unscientifically disposed at the new site i.e. Gat No. 217 and burning of said MSW was observed. MSW is being dumped openly.
- iv) Said Grampanchayat has provided 2 numbers of Ghanta Gadi, 3 nos. of tractors for collection of Municipal Solid Waste.

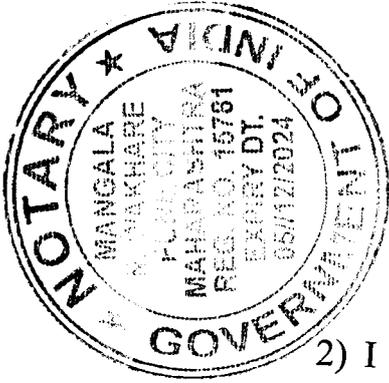
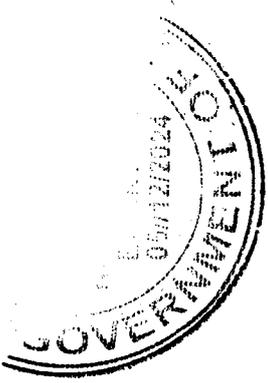


v) The representative of Grampanchayat informed that Grampanchayat has taken said land on lease for MSW dumping from one Mr. Bandu Namdev Lalgude, Age-60 years, A/p – Kusgaon Kh, Taluka – Maval, Pune.

vi) The Gram Panchayat Representative informed that there is about 2 – 3 tons of daily generation of mixed MSW in Khadkale village.

A copy of visit report dated 24/2/2023 and the site photographs are attached and annexed herewith as an **Annexure – I.**

2) I say and submit that One Mr. Premchand Ratanchand Javeri, R/at Plot No. 29, 'Forisaqua', Gat No. 217, 219 to 222, 228, 230, 231, Kusgaon Khurd, Maval Kamshet had filed Writ Petition No. 9103 of 2022 before the Hon'ble High Court, Bombay against illegal dumping of MSW on the dumping ground located at Gat No. 217, Village Kusgaon, Maval, Pune. While disposing the said matter, the Hon'ble High Court vide order dated 28/7/2022 directed to the Grampanchayat of Village : Kusgaon to take expeditious action on the application / representation made by the Petitioner within 8 weeks against the said illegal dumping of MSW. A copy of the Order dated 28/7/2022 passed by Hon'ble



High Court, Bombay in W. P. No. 9103/2022 is attached and annexed herewith as an **Annexure – II.**

3) I say and submit that Grampanchayat Khadakale is illegally dumping MSW on Gat No. 217, Vill. Kusgaon, Tal. Maval, Dist. Pune without obtaining Authorisation from the MPC Board and thus violated provisions of the MSW Rules, 2016.

4) I say and submit that the MPC Board has issued Proposed Direction to the Block Development Officer, Vadgaon – Maval, Tal. Maval, Dist. Pune on 3/3/2023 against the non-compliances observed during visit dated 24/2/2023. A copy of the Proposed Direction dated 3/3/2023 is attached and annexed herewith as an **Annexure – III.**

Solemnly affirmed on this .. **03-MAR-2023** March, 2023 at Pune.

I know the affiant.

For and on behalf of
Maharashtra Pollution Control
Board i.e. Respondent No. 4

Nitin Shinde
03/III/23

(Nitin Shinde)

Sub-Regional Officer,
MPCB - Pune - 2

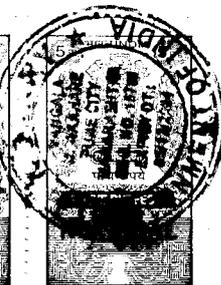
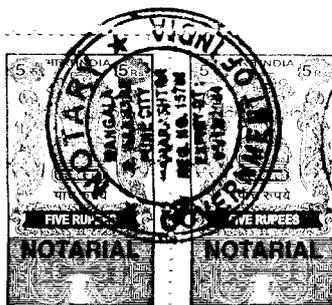
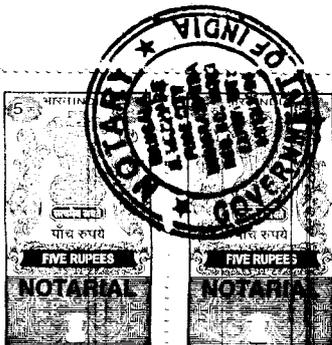
ADVOCATE

BEFORE ME

Mangala N. Wakhare

**MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA**

03. MAR 2023



MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, PUNE-II



Phone - (020) - 25816451

Fax - (020) - 25811029

Email - sropune2@mpcb.gov.in

2nd Floor, "Jog Center"

Wakadewadi, Mumbai-Pune

Road, Pune - 411003

VISIT REPORT

1) Name & address: M/s Grampanchayat Ichadkale (Kamshet)
Tal- Maval, Dist - Pune.

2) Date of visit:- 24/02/2023

3) Contact person (Tel/Mob/email):- Mr. Vilas Kale
Gramvikas Adhikari

4) Consent status:- -



5) Additional Information:- ① Visit is carried out wrt Hon'ble NGT(KR) pune order dated 13/2/2023. During visit Mr. Vilas Kale, gramvikas Adhikari, khadkale (Kamshet), has present.

② During visit observed that:-

- Grampanchayat Ichadkale (Kamshet) has stopped the dumping of MSW at Gat No: 110 & 133 of village Kamshet & informed that they have buried the old MSW which was present at that site hence unable to calculate approx. quantity of buried MSW & at said site the ^{old} plastic, cloths, paper waste observed & now said site not in used. The buried quantity of MSW is not produced by grampanchayat.
- ~~Grampanchayat~~ Now grampanchayat has dumping MSW at ~~the~~ Gat No: 217, Vill - Kusgaon (KH) Tal. Maval, Dist - Pune. During visit it is observed that that said land is old quarry. The segregation of MSW is not done.
- The dry & wet waste found disposed at new site (Gat No: 217) unscientifically & during visit the burning of MSW is observed. The dumping of MSW is openly.

- Grampanchayat has 2 Nos. of Ghatagadi, 03 Nos. of tractors for collection of municipal solid waste.
- Grampanchayat informed that they have taken land for MSW on lease from Mr. Bandu Namdev ~~Pat~~ Lalgude, Age-66, A/P: Kaugavon (Kh), MAVAL, pune.
- The grampanchayat reported that they have generate daily mixed MSW about 2 to 3 ton.
- Grampanchayat shall comply the solid waste management Rule 2016 & submit the compliance report.


 (Vilas Kale)
 Gramvikas Adhikari
 Khedkale grampanchayat

ग्रामविकास अधिकारी
 ग्रुप ग्रामपंचायत खडकाळे
 ता. मावळ, जि. पुणे

Dastom
 (S.S. Vaste)
 P.O. MPLB,
 pune-11



Old MSW site, Gat No. 110, 133, Khamshet



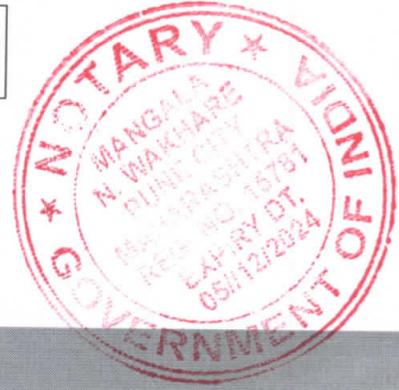
Old MSW site, Gat No. 110, 133, Khamshet



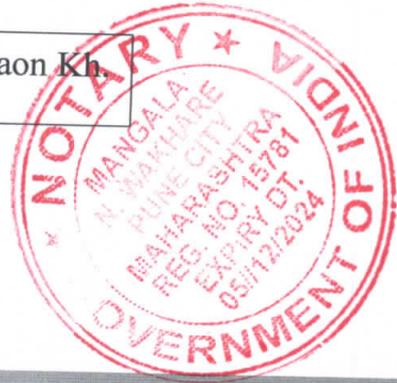
Present MSW site, Gat No. 217, Kusgaon Kh.



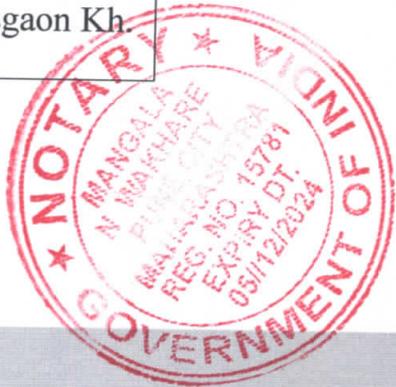
Present MSW site, Gat No. 217, Kusgaon Kh.



Present MSW site, Gat No. 217, Kusgaon Kh.



Present MSW site, Gat No. 217, Kusgaon Kh.



Present MSW site, Gat No. 217, Kusgaon Kh.



Present MSW site, Gat No. 217, Kusgaon Kh.



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 9103 OF 2022**

Shri. Premchand Ratanchand Javeri ...Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

- Mr. Sagar M. Kursija a/w Mr. H.D. Chavan, Advocate for the Petitioner.
- Mr. V.S. Gokhale, B Panel Counsel (AGP) for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
KISHORE C. SANTI, JJ.**

DATE : JULY 28, 2022.



P.C. :

1. Heard, learned Counsel for the petitioner.
2. Learned Counsel for the petitioner submitted that a limited grievance is raised in the petition. The petitioner is resident of Village Kusgaon Khurd, Taluka Maval Kamshet, District Pune. The emitance of hazardous waste is causing serious health hazards to the residence, the certain area is utilized as dumping ground and all the waste is dumped in that area.
3. Learned Counsel for the petitioner submitted that the disposal of the waste is the responsibility of the Grampanchayat and the Grampanchayat is duty bound to take appropriate steps for disposal of waste. Learned Counsel for the petitioner further submitted that saturation



of such waste material also causes issues of damage to the environment and ecology. Learned Counsel for the petitioner submitted that the petitioner submitted representation to the Pollution Control Board as well the Chief Executive Officer, Pune. Learned Counsel for the petitioner submitted that inadvertently, the petitioner failed to submit necessary application/representation to the Grampanchayat of Village Kusegaon. Learned Counsel for the petitioner further submitted that this being an inadvertent *bona fide* mistake, the petitioner be permitted to submit comprehensive representation to the Sarpanch of Grampanchayat of village Kusegaon along with a copy to the Chief Executive Officer, Zilla Parishad, Pune. Learned Counsel then submitted that such representation/application would be submitted within one (01) week from today and further prayed for direction to the Respondent No. 5 – Grampanchayat, Kusegaon to decide the application / representation expeditiously.

4. In view of these submissions and considering the limited grievance raised by the petitioner, we deem it appropriate to dispose of the petition by accepting the statement made by the learned Counsel for the petitioner that the petitioner would submit the comprehensive application / representation to the Respondent No. 5 along with a copy to the Respondent No. 3. In case such representation / application is submitted to Respondent No. 5, the Respondent No. 5 to decide the application / representation as



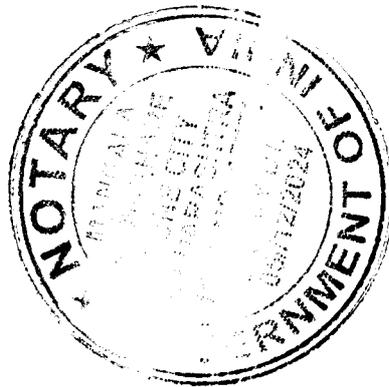


expeditiously as possible and not later than eight (08) weeks from the receipt of the application. We make it clear that this Court has not made any observation on the merit of the representation. With these directions, the writ petition is disposed of.

5. All concerned shall act upon a copy of this order which is duly authenticated by the Registry of this Court.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)



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MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE - PUNE

Phone No. 020-25811694
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 visit us : www.mpcb.gov.in



Jog Centre, 3rd Floor,
 Wakdevadi,
 Old-Pune Mumbai Road,
 Pune- 411003

"Your Service is our Duty"

MPCBI/PD/ROPI/ 2303030003 Date: 03/03/2023

To,
 Block Development Officer,
 Vadgaon-Maval, Tal. Maval,
 Dist. Pune - 410506.

Sub: Proposed Directions under section 31 A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref: (1) Application filed before Hon'ble NGT (WZ) Pune in Misc. Application no. 17/2018 (WZ) in Original Application vide O. A. No. 179/2017.
 (2) Complaint received regarding the MSW Dumping at Vill. Kusgaon (Kh.), Tal. Maval, Dist. Pune.
 (3) Visit of the Board Official on 24/02/2023.
 (4) Proposal for legal action submitted by the Sub Regional Officer, Pune - II vide no. 150922009.



WHEREAS, your Grampanchayat Khadkale(Kamshet), Tal. Maval, Dist. Pune is located in the "Pollution Prevention Area" under the Air (Prevention and Control of Pollution) Act, 1981 followed by further amendments made therein from time to time.

AND WHEREAS, it is obligatory on your part to obtain comply with the provisions of the Air (Prevention & Control of Pollution) Act, 1981 and followed by further amendments made therein from time to time.

AND WHEREAS, the Board Office has received the complaint regarding Dumping of solid waste in the jurisdiction of Village Kusgaon (Khurd), Tal. Maval, Dist. Pune at leased land located on Gat No. 217 (Old Quarry- Hilly Area) and surrounding area, which is generated from Grampanchayat Khadkale (Kamshet) area.

AND WHEREAS, Hon'ble NGT passed an order in Original Application No. 179/2017 (Atul Karle (Applicants) V/s Grampanchayat Khadkale (Kamshet) and Ors. (Respondents(s) on 13/02/2023 and asked to submit current position of the Municipal Solid Waste Disposal Site used by Grampanchayat Khadkale (Kamshet), Tal. Maval, Dist. Pune.

AND WHEREAS, Board official visited to Solid Waste Dumping Sites of Grampanchayat Khadkale (Kamshet), during the visit of the Board Official, burning of Municipal Solid Waste was observed at Gat No. 217, Vill. Kusgaon (Kh.), Tal. Maval, Dist. Pune, thereby creating nuisance to the nearby area, due to unscientific collection, treatment and disposal of Municipal Solid Waste.

AND WHEREAS, from the record of this office and observations made during the visit, I came to the conclusion that, you are not complied with the provision of the Air (Prevention & Control of Pollution) Act, 1981 and amended thereof thereby causing grave injury to the environment.

-

NOW THEREFORE, you are directed to submit your reply within 07 days along with corrective action plan towards the compliance of above non-compliances along with all necessary documents and also directed to remain present for personal hearing on 10th March, 2023 at in the office of Regional Officer, M. P. C. Board, Jog centre, 3rd floor, wakadewadi, Pune-03 along with action plan towards the compliance of above related points, failing which further necessary action as deemed fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.

For and on behalf of M.P.C. Board


Regional Officer, Pune

Copy Submitted for information to :-

- 1) The Member, Secretary, M.P.C. Board, Mumbai.
- 2) Joint Director (APC), M.P.C. Board, Mumbai.
- 3) Regional Officer (HQ), M.P.C. Board, Mumbai.
- 4) Law & Policy Div. M.P.C. Board Mumbai.
- 5) Chief Executive Officer, Zilla Parishad (Z.P.), Pune.

Copy to- for necessary action :

- The Sub-Regional Officer, M.P.C. Board, Pune-II :- You are directed to serve this letter to concern Block Development Officer and keep the follow up and report the compliance from time to time.

