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

ORIGINAL APPLICATION NO. 09 /2017 (W.Z.)

PETITIONER : Mr. Suresh Banarasilal Jaipuriya,
Aged 64 years, Occupation: Business,
R/O 393, Ward No. 24, "Bhoot
Bungalow" College Road,
Shegaon- 444203.

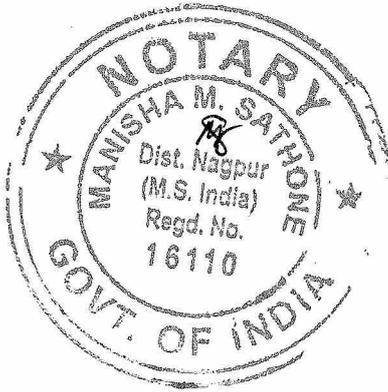
- VERSUS -

RESPONDENTS : 1. M/s. SMS Paryawarn Ltd.,
SH-2, Vardhaman Grand Plaza, Plot
No.7A, Mangalam Place, Sector 3,
New Delhi-85.

2. Maharashtra Jeevan Pradhikaran,
through its Chief Engineer, Express
Towers, 4th Floor, Nariman Point.

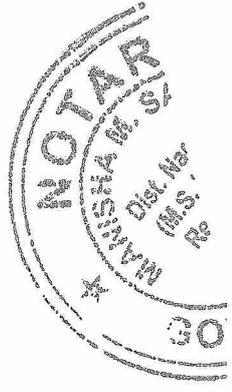
3. Maharashtra Jeevan Pradhikaran,
Works Division, Buldhana, through
its Executive Engineer, Buldhana,
Dist. Buldhana- 443001.

4. Maharashtra Jeevan Pradhikaran
Circle Akola, through its
Superintendent Engineer, Amravati
Road, Akola,
Dist. Akola- 444001.



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- 5. The Shegaon Municipal Council, through its Chief Officer, Shegaon, taluka- Shegaon, dist. Buldhana- 443001.
- 6. Maharashtra Pollution Control Board, Sahkar Surbhi Baptwadi, Near Vivekwadi Colony, Amravati- 444606.
- 7. The Collector, Buldhana, Dist. Buldhana
- 8. The State of Maharashtra, through its Principal Secretary, Urban Development Department, Mantralaya, 4th Floor, Mumbai.
- 9. Shri Hassan Mushrif Hon'ble Ex-Guardian Minister Buldhana, Dist. Buldhana.
- 10. The Maharashtra Water Resources Regulatory Authority (MWRRA) Cuffe Parade, Mumbai.



DEPONENT : Dr. Jayshree Ravindra Borade, aged 38 years, Occ. Service, Chief Officer, Municipal Council, Shegaon, Taluka- Shegaon, District Buldhana- 443001.

Jayshree

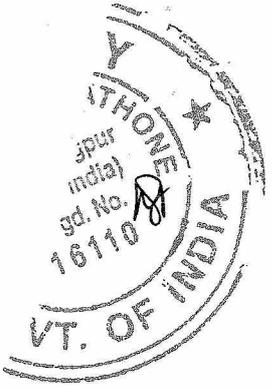
ADDITIONAL AFFIDAVIT ON BEHALF OF
RESPONDENT NO.5

MAY IT PLEASE YOUR LORDSHIP: -

The Respondent No. 5 most humbly and respectfully begs to submit the Additional Affidavit about the subsequent development in the matter as under :-

1. I say that, the Government of Maharashtra, Planning Department by its Resolution dated 08/03/2010 granted sanction to the Shegaon Tirthkshetra Vikas Aarakhada to facilitate the basic amenities and facilities to the devotees in the Shegaon area on the auspicious occasion of Shri Sant Gajanan Samadhi Shatabdi Mahotsav.
2. I say that, under the said development plan, the Government has sanctioned a scheme for the underground Sewerage system for Shegaon City. Having regard to said sanction of underground sewerage, the scheme was bifurcated into two phases, firstly for the construction of underground sewerage and secondly the Sewerage Treatment Plant (S.T.P.). The above-mentioned scheme was executed and implemented by the Maharashtra Jivan Pradhikaran (hereinafter referred to as MJP), based on the guidelines by the Sewerage Manual and

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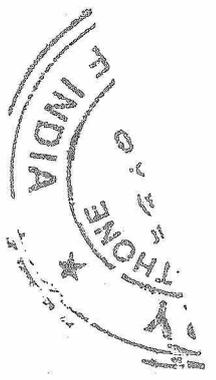


Central Public Health and Environment Engineering Organization (CPHEEO).

3. I say that, after the order passed by this Hon'ble Tribunal, MJP conducted a detailed inquiry, and stated that the Underground Sewerage Scheme and System and Sewage Treatment Plants (hereinafter referred to as STP) Phase-I, having some defects, which came into notice while operation and maintenance of the Sewerage Network.

4. I further say that, the College of Engineering Pune, Pune (hereinafter to be referred to as COEP), was appointed by the Director of the Municipal Administration, as technical expert agency to carry out the third-party Audit of Shegaon Underground Sewerage and STP Project Phase-I. Furthermore, it is noteworthy that, after conducting the survey and intensive inquiry COEP submitted the third-party Audit Report to the appropriate authorities. In the Audit Report found various defects in the Sewerage Networks and STP. That, the COEP made recommendations to take extra precautions while maintaining the above-mentioned project that could solve some major problems of the sewerage network.

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5. I further say that, in the Meeting dated 12/07/2021 Municipal Council passed the Resolution No. 8, that the Underground Sewage Project and STP are having some defects, also the Municipal Council having lack of skilled men power, with no proper instructions and the lack of funds renders, therefore, it will be very difficult for Municipal Council to maintain and operate the S.T.P. Therefore, they decided not to take any charge of the above-mentioned project, until all rectifications are carried out and thereafter they are required to trial run for a period of three years by MJP in terms of the Agreement.
6. I further say that, pursuant to the order dated 23/10/2021 of the Principal Secretary, Urban Development Department, (UD-2) Maharashtra State, Mumbai directed to handover the Underground Sewerage and STP Project Phase-I and the same was handed over to the Municipal Council, Shegaon from January, 2022 by MJP and the same is under the operation of the Municipal Council thereafter. After handing over the STP Project Phase-I during the course of operation by Municipal Council, it was found that the machinery used in the STP plant is outdated and the same is required to be replaced. That, for the replacement of outdated machinery of the STP Project Phase-I and for regular operation and maintenance the fund is required approximately Rs. 3 crore per year i.e. for phase 1.

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7. I say that, MJP is the appropriate authority responsible for the Completion of the entire Underground Sewage Scheme (Collective Scheme and STP), it is noteworthy that the construction of the Phase-II of the Project is completed by M.J.P. and as per Agreement the same is required to be operate and maintain by MJP for a period of 3 years i.e. up to the year 2025.
8. I further say that, now various corrective measures are being taken by the Municipal Council, towards the Problems faced by the residents of the city. In response to that Municipal Council have connected the individual residents' underground connections to the underground sewerage network, and for that purpose funds are provided by the State Government for Phase-I.
9. I say that, after the order dated 23/08/2022 passed by this Hon'ble Tribunal, a meeting was held by the Chief Secretary of Maharashtra Government on 06/10/2022, wherein a committee was formed which would function under the supervision of the Principal Secretary, Urban Development Department (UD-2), State of Maharashtra and the committee will present a status report of the project every 15 days and directed the Municipal Council to provide data regarding the

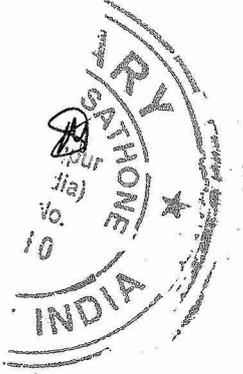
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collected sewage waste, other interdepartmental co-ordination and other issues regarding project.

10. I say that, the Principal Secretary, Urban Development Department (UD-2), State of Maharashtra conducted a meeting on 14/10/2022, in which it was decided that, within the boundaries of Shegaon city, a new underground Sewerage project for the uncovered area of Shegaon Municipal Council City Limit. That, the same should be implemented for 100% underground sewage network and STP as phase III, for the above-mentioned project MJP was appointed as a project management consultant by Municipal Council, Shegaon. That, it was also decided to make an application to the State Government seeking funds for the Phase-III of the Underground Drainage Network Project. That, the MJP is required to prepare appropriate technical sanction, survey, DPR and submit before the State level Sanctioning committee of Rajya Nagarothan Scheme for administrative sanction and fund allotment.
11. I say that, on 17/10/2022 MJP was appointed as a project management consultant by Municipal Council for Phase-III, and from the same date MJP undertook the process for implementation of Phase-III of the Project for uncovered areas of the adjoining city for a period of the next 30 years(for

2022



projected population of the year 2025), which includes the entire project management, supervision, an inspection, operation, and initiation of construction. Furthermore, on 10/11/2022 MJP given technical sanctioned to detailed project report, with an estimate cost of Rs. 105 crore to the Municipal Council, and granted consent to the Municipal Council to operate the said project.

12. I further say that, on 11/11/2022 by order no. 206 Municipal Council accepted the detailed Project Report prepared and technically sanctioned by MJP. That, on the same day, the same was accepted by Resolution of mc of Municipal Council and the proposal was forwarded to the State Government for administrative approval and allotment of fund of the Project. That, later on, vide order no. 243 dated 29/11/2022, locations of new underground sewage and STP were finalized and according to the same, MJP has given revised technical sanction to corrected project cost of Rs. 136 crore on 01/12/2022.

13. I say that, State Government conducted a state level sanctioning committee meeting on 02/12/2022, in which "Maharashtra Suvarna Jayanti Nagarothan Maha- Abhiyan (Golden Jubilee Urban Renewal Mission)" given

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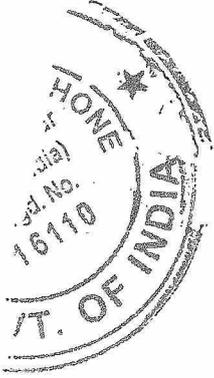


administrative sanction to Underground Drainage Scheme (UDG) Phase III scheme for the cost Rs. 125.23 crore.

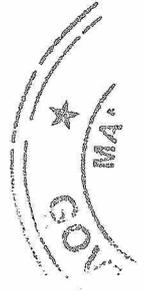
14. That the Key Features of the sanction project are as under :-
1. Collection system 116 km (For year 2055)
 2. Two new STP – 3 MLD and 8 MLD
 3. All machineries regarding project.
 4. Three wet wells.
 5. House service connections with property chambers and screenings (11800 Nos.)
 6. 10 lac liters capacity sump for reuse of waste water.
 7. Computerized system for monitoring sewage treatment plant- SCADA
 8. Repairing and rectification of phase I scheme including replacement of old outdated machineries of STP 1
 9. Other related miscellaneous work etc.
 10. Machineries necessary for the operation and maintenance of Underground Sewerage System.

15. It is submitted that for the Phase-II, for those properties which are not connected to the Underground Drainage Network, the Principal Secretary (U.D-II) has issued instructions to Municipal Council to submit the proposal for fund for the remaining property connections of Phase-II. As per the

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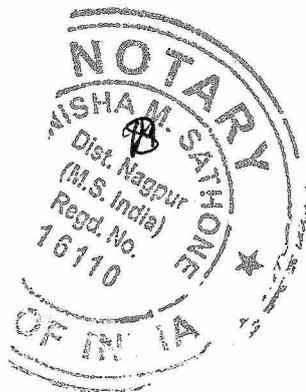


directions, the Municipal Council has submitted the proposal to the State Government for the demand of funds and the same is at the final stage for sanctioning of Rs.1.99 Crores. After getting the funds, the Municipal Council will do all the remaining property connections of Phase-II and after this will cause 100% sewerage coverage of the Municipal Limit for the Shegaon Municipal Council.



16. It is submitted that the MJP has submitted the final working estimate on 25th January, 2023 and on account of Model Code of Conduct, the Tender process is required to be initiated after the permission from the Election Commission. The Municipal Council has already submitted the application to the Election Commission for grant of permission to publish the Tender for the above mentioned Phase-III Underground Sewerage Network Project.
17. I say that, Maharashtra Pollution Control Board (hereinafter to be referred as MPCB), granted their consent to Municipal Council's both underground sewage project and STP. Later on, Municipal Council presented a Status Report of collected underground sewerage to the Central Pollution Control Board (hereinafter to be referred to as CPCB) through MPCB. Later on, CPCB officials on 30/10/2022, conducted a detailed survey to verify the underground sewage project.

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18. I say that, as earlier, it was found that untreated sewage of some quantity was flowing through the Unad Nalla, wherein MPCB has been asked to stop the discharge of the untreated sewage into the drain by forming a temporary Bandh, for which underground chambers were formed to treat the discharge. Furthermore, additional four chambers were constructed according to the above-observed problem and at present there is no untreated waste lying in the Unad nalla.
19. It is further submitted that for the entire operation and maintenance of the Sewerage Treatment Plant and its network, the Municipal Council is not in financial position to handle the same, therefore, to get the additional fund the Municipal Council has submitted the proposal with details of expenditure of Rs. 5 Crores per year before the State of Maharashtra.

Hence, this Additional Affidavit.

PUNE
DATED : 28/01/2023


D. M. Kale, Adv.
Counsel for Respondent No. 5


Respondent No. 5

CHIEF OFFICER
MUNICIPAL COUNCIL
SHEGAON

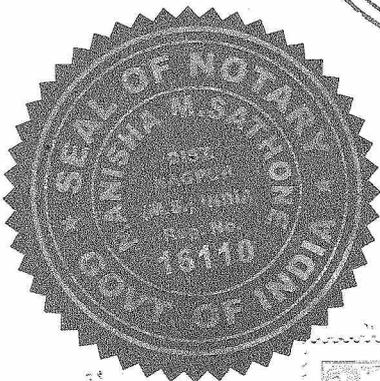
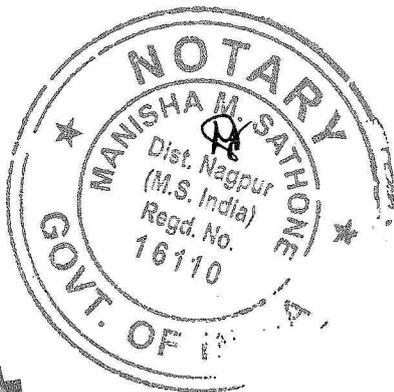
VERIFICATION

Verified that the contents made in the present Affidavit in paras 1 to 19 have been drafted as per the information received from the office record of the Municipal Council, Shegaon and the same are read over by me and found it to be true and correct to the office record and belief. The same are true and correct.

Hence, verified and signed at Nagpur on this 31st day of January, 2023.

I know and identify the deponent.

D. M. Kale
Advocate



Kakar
DEPONENT

CHIEF OFFICER
MUNICIPAL COUNCIL
SHEGAON

SWORN/SOLEMNLy AFFIRMED
BY Dr. Jayashree Borade
(Self ID)
WHO IS PERSONALLY/KNOWN
TO ME /IDENTIFIED BY Adv. D.
M. Kale
BEFORE ME THIS THE 31st
DAY OF January 2023 AT NAGPUR.

M. Sathont
MANISHA M. SATHONT
NOTARY
NAGPUR DIST. (M. S. INDIA)

