

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

Original Application No.142(THC)/2016 (WZ)

IN THE MATTER OF

Sheikh Rashid Charitable Foundation, Malegaon & others.

... APPLICANT

Vs

Union of India & others.

... RESPONDENTS

Additional Submissions on behalf of the Respondent No.5 are as under:-

At the outset, the Respondent submits that in **Original Application No. 606/2018, (In respect of State of Maharashtra) In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues, (Arising out of directions of the Hon'ble Supreme Court in W.P. No. 888/1996 and W.P. No. 375/2012), the Hon'ble NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI,** vide its order dated 08-09-2022, has awarded compensation amount @ Rs. 12,000/- crores to be deposited by the State of Maharashtra to be utilized for restoration measures. The restoration measures with respect to sewage management would include setting up of sewage treatment and utilization systems, upgrading systems/operations to ensure utilization of their full capacities, ensuring compliance of standards, including those of fecal coliform and setting up of proper fecal sewage and sludge management in rural areas. With regard to solid waste management, the action plan would include setting up of required waste processing plants and remediation of left out 84 sites. Bioremediation/bio-mining process need to be executed as per CPCB guidelines and the stabilized organic waste from biomining as well as from compost plants need to comply with laid down specifications.

In view of the above, the present Application does not survive.



That in the above matter, with regards to the issues raised by the Applicant, the current status of the works are as under:-

A) Water Supply

For Malegaon city in the financial year of 2023-24 total reservation sanctioned of 513.70 Mcft. from Chankapur dam and 944.65 Mcft. from Girna Dam Such total water reservation is 1458.35 Mcft. Allotted. For supply of one day total 75 to 80 MLD water required for the city. Out of which 70% of the water utilize from the Girna Dam. The rest of the water is about 20 to 25 MLD per day from the water received from Talwade storage tank owned by the municipal corporation. Water is being taken 75 to 80 MLD of water per day for Malegaon city. The water received under these two sources is being treated at three water Treatment Plant having capacity of 38 MLD, 71 MLD and 30 MLD and the said water is being distributed to 50 ESR's in the city. Water is supplied for the period of 45 minutes for each zone and same manner through 575 numbers of different zone water is supplied to total area of city by alternate days. 135 LPCD is being supplied to a population of approximately 7,90,000 within the municipal limit.

Pursuant to that, clean drinking water is being supplied to the citizens of the city, on an average, 120 to 160 zone wise water samples are taken per month and the water samples are sent to the District Health Laboratory, Nashik for testing. Also, according to the complaints received during the rainy season and as per the requirement, the quantity of water sample inspection is increased.

B) Sewerage

- (i) At present, Malegaon Municipal Corporation does not have any Sewage Treatment Plant (STP etc.) to collect the sewage and process it properly. Also there is no underground sewer network in Malegaon city. Therefore, it has not been possible till now to treat and dispose of sewage in a scientific manner without STP.

- (ii) From the year 1983 to 2014, efforts have been made from time to time by the Malegaon Municipal Corporation to include the underground gutter scheme in the various schemes of the government.
- (iii) The proposal of 98.43 Crores for Malegaon Underground Sewerage Scheme under Amrut Scheme was approved and Administrative approval has been granted as per Government Resolution No.Amrut-2017/P.No.429/Navi-33 on 25/09/2017 Urban Development Department of Govt. of Maharashtra. MJP has been appointed as PMC as per General Assembly Resolution dated 28/9/2017
- (iv) Accordingly, the following tender process has been implemented for the said work.

• **Tender Process:-**

1) E-Tender Notice	Tender Notice No.2/2017-18 E-Tender No.1871 Published for duration of 17/10/2017 to 17/11/2017
E-tender First extension	- 17/10/2017 to 24/11/2017
E-Tender Second Term Extension	- 17/10/2017 to 24/11/2017
<u>As no tender was received hence re e-tender-1</u>	
2) E-Tender Notice –	re-Tender Notice No.3/2017-18 E-Tender No.1878 Published for duration of 29/11/2017 to 27/12/2017
E-tender First extension -	29/11/2017 to 30/12/2017
<u>Three tenders were received, but due to no one being able to fulfill the tender qualification, hence re-tender-2</u>	
New e-tender published by modifying terms and conditions by MJP vide letter No.MJP/158/2018 dated 17/01/2018	
3) E-Tender Notice -	Tender Notice No.5/2017-18 E-Tender No.1946 Publish for

	duration of 20/01/2018 to 14/02/2018
E-Tender First Extension	14/02/2018 to 23/02/2018
E-Tender Second Term Extension-	23/02/2018 to 03/03/2018
<u>As only one tender was received re e-tender-1</u>	
New e-tender as per revised pre-qualification vide letter No.MJP/544/2018 dated 01/03/2018	
4) E-Tender Notice -	Tender Notice No.6/2017-18 E-Tender No.2124 Publish for duration of 07/03/2018 to 04/04/2018
E-Tender First Extension	04/04/2018 to 13/04/2018
E-Tender Second Term Extension-	13/04/2018 to 20/04/2018
<u>As only two tenders have been received, as per the opinion of MJP, re-e-tender- 1</u>	
5) E-Tender Notice -	Tender Notice No.1/2018-19 E-Tender No.2201 Publish for duration of 03/07/2018 to 30/07/2018
<u>As only two tenders have been received, as per the feedback of MJP, re-e-tender-2</u>	
6) E-Tender Notice -	Tender Notice No.2/2018-19 E-Tender No.2207 Publish for duration of 04/08/2018 to 20/08/2018
Tender Acceptance	Received two tenders upto Date: 24.08.2018
Envelope no. 1 Documents submitted to MJP, Nashik	dt. 24.08.2018
MJP Response	On 31.08.2018 only one tenderer was declared eligible by MJP, Nashik.
Envelope no. 2 was opened on 01.09.2018	Received rate 20.86 % above than estimated rate received

Envelope no. 2 submitted to MJP	on 03.09.2018 submitted to MJP for technical evaluations
MJP Response	On 12.09.2018 feedback was received regarding the rate received and further tender process to be carried out after negotiation on Corporation level.
Tender submitted to Standing Committee	On 19.10.2018 submitted before Municipal Standing Committee for further decision regarding the tender.
Standing Committee Meeting Dated 19.11.2018	As per the negotiation held in the standing committee meeting, the tenderer agreed to work at a rate of 8.50% more than the tender amount. Tender approval has been granted under Standing Committee Resolution No.185 dated 19.11.2018 (received on 27.11.2018).
Proposal submitted to the State Level Steering Committee of State Govt.	29.11.2018
Acceptance of tender and letter of agreement	05/01/2019 the lowest tender holder M. Anand Constructruel Pvt. Ltd. Nashik
Work order	The Work order was granted to the Contractor on 21/02/2019.

- (v) In view of the above situation, the tender process for the said work from 17/10/2017 to 21/02/2019 i.e. has take 16 months.
- (vi) **Nature of work:-** After frequent and continuous efforts, a Sewerage Scheme (Phase I) of 98.43 Cr. has been approved for

Malegaon city under AMRUT Abhiyan on 25/09/2017. And after repeated efforts under tendering process, a work order is already issued to the appointed contractor namely M/s Anand Construwell Pvt. Ltd., Nashik on 21/02/2019. Also, the appointed contractor has initiated the actual work with immediate effect. A timeline of 24 months is framed with the effect to the allotment of work order to the respective appointed contractor to complete the entire sewage scheme works.

- (vii) This scheme is designed for the population of 874998 souls of year 2044, at the rate of 135 LPCD water supply
- (viii) The on-going sewerage scheme comprises of old area as well as peripheral villages which were merged during the formation of Corporation during which the city limit was increased. The total city area is divided along the river which is flowing from North to South forming Western Zone and Eastern Zone.
- (ix) The collection of sizing & other water polluting units is framed in the on-going Sewerage Scheme. These polluted waters are proposed to be collected through a total no. of 40 nallas divided into East & West Zone having a no. of 20 nallas at each zone. Through these nallas, the waste water from sizing & other water polluting units will be taken to aforesaid STPs and will be treated accordingly. Only after the completion of above stated sewerage project under the AMRUT scheme consisting of two STPs, being a long term measure for the treatment and disposal of sewage, it will be possible for collection, treatment and scientific disposal of the sewerage generated within the Corporation limit.
- (x) Proposed work consists of two sewage treatment plants of 63 MLD, 21.50 MLD, three pumping stations namely Pawarwadi, Kachara Depo, Dasera Maidan, Trunk Main of 19.15 Km., Nalla Interceptor for East & West Zone (40 Nos) in the proposed

scheme. The overall scheme is to connect the effluents released into the river to the Nalla Interceptor through the Trunk Main to the Pumping Station and from there to the Sewage Treatment Plant. Due to this, it is planned to take the waste water of the existing drains to the sewage treatment center through Trunk Main and use the treated water for the nearby agriculture. This will help to stop the current pollution in Mosam River.

- (xi) **Planning of work:-** According to the tender conditions of the proposed work, the contractor has to submit all the designs and drawings of various civil work and architectural forms related to the work to the Municipal Corporation. And after preliminary inspection by Maharashtra Jeevan Pradhikaran (MJP), technical approval from Government Engineering Colleges like VJTI Nagpur, Government Engineering College Pune is required and this process has taken a lot of time. Details regarding this are as follows.

Design and Drawings Approval Detail					
Sr.No.	Item of Work	Submission by Contractor	Submitted to MJP	Approved from MJP	Actual Work Started
1	63 MLD				
A	Detail Engineering Drawing	26/07/2019	31/07/2019	09/08/2019	NA
B	GAD and Hydraulic Design	07/08/2019	09/08/2019	11/12/2019	NA
C	Structural Design of SBR Basin	13/12/2019	16/12/2019	20/01/2020	23/01/2020
D	Ilet, Screen Grit Chamber, Inlet Channel	25/07/2020	27/07/2020	14/09/2020	18/09/2020
E	CCT RCC Design	13/08/2020	13/08/2020	08/09/2020	10/09/2020
2	Bandhara at Pawarwadi				
A	GAD RCC Design and Drawing	21/08/2019	21/08/2019	18/06/2021	21/06/2021
3	PS-1 Pawarwadi				
A	GAD, RCC Design and Drawing	05/08/2019	08/08/2019	25/11/2019	16/11/2021
4	PS-3 Kachra Depo	11/09/2019	11/09/2019	25/11/2019	12/02/2020

	RCC Design and Drawing				
5	Boosting Sump at Mosam Bridge	08/01/2020	08/01/2020	03/01/2020	15/01/2020
6	21.5 MLD				
A	Bar Chart, Plane Table Counter Survey Drawing	13/06/2019	14/06/2019	03/11/2020 proposed in Amrut 2.0	
	Note:- Contractor Inform to MMC About Insufficient land	18/06/2019			
7	Nalla Interceptor	08/01/2020	08/01/2020	3/01/2020	10/07/2020
	Conveynce System	Work Started			
1	Trunk Main 350 mm to 100 mm	24/07/2019	NA	NA	NA
2	Chamber Work On Trunk Main	17/12/2019	NA	NA	NA
3	Pumping Main From Pawarwadi to 63 MLD	15/11/2019	NA	NA	NA
4	Pumping Main From Kachra Depo to 63 MLD	02/08/2019	NA	NA	NA
5	Nalla Interceptor	10/07/2020	NA	NA	NA

(xii) • **Reasons for delay in work:-**

- a. Delay in final approval of all designs and drawings of civil and architectural forms.
- b. Delay in commencement of work by the contractor as the nature of the scheme is extensive. And there has been a delay of 7 months in starting the actual work since the mandate was given.
- c. While the work had just started, in March 2020, the work came to a complete halt due to the nationwide lockdown due to the Covid-19 pandemic.
- d. Due to the covid-19 pandemic, the said work has been Delayed for 05 months.



- e. Malegaon city being a densely populated city with 127 slums, there was considerable delay in shifting the encroaching slum dwellers from proposed work site.
- f. Maharashtra Jeevan Pradhikaran (MJP) was responsible for making revised proposal of the scheme, as the proposal was not made properly. Due to the corresponding changes, a resolution has been passed on 23/06/2021 through the Municipal Corporation. Also correspondence has been done from time to time with MJP to prepare revised proposal and submit it to the Government for approval. (Attached copy)
- g. Since the proposal for Sewerage Project Phase-1 was prepared by Maharashtra Jeevan Pradhikaran (MJP), the prepared proposal had increased/decreased in many aspects during the actual working time without considering the geographical situation and did not include the essential aspects as per the actual site requirement.
- h. In order to complete the work of the scheme within the prescribed time frame, a total of 14 meetings have been held in consultation with the relevant department head of the Municipal Corporation and the project management consultant, Maharashtra Jeevan Pradhikaran (MJP) and Contractor. (Attached copy)
- i. Construction of STP of 21.50 MLD capacity at Dasara Maidan proposed in Amrut Sewage Scheme Phase-1 with the consent of relevant Department Heads of Municipalities and Project Management Consultants of Maharashtra Jeevan Pradhikaran (MJP) and Contractor at the end of the detailed discussion held by the Town Planner-I at Dasara Maidan. The adjoining land is designated as Green Belt in the Development Plan (Second Revised). Therefore, according to the provisions of D Class Development Control and Promotion Rules, approval of Hon'ble Director Urban Planning Department, Pune was clarified. And it was revealed in the meeting that it may take more time if that is done. Therefore, the work has been delayed as the proposed 21.50 MLD sewage treatment center is being constructed on another self-owned site of the Municipal



Corporation after suggesting another place by MJP. After observing all these aspects Hon'ble Chief Engineer MJP Nashik in the meeting dated 03/11/2020 directed to propose 21.50 MLD sewage disposal center in Amrut Phase-2 on the available space of required area owned by the Municipal Corporation. (Attached copy)

- j. 5 months due to heavy rainfall in the monsoon basin in August 2020, 3 months in July 2021 and 3 to 4 months in July 2021 and 3 to 4 months in 2022. Trunk Main 19.15 K.M. Nalla Interceptor for East & West Zone (40 Nos.) was shut down for a total of 11 months.
- k. Instructions have been given in the meetings held from time to time regarding the removal of encroachment of the huts obstructing the work of the proposed Trunk Main at Pawarwadi and Garbage Depot Pumping Station. As of today, the work is suspended as the said encroachment has not been removed.
- l. As per the circular dated 01/10/2019 of Hon'ble Member Secretary, MJP, tendering of Pumping Machinery should be started 6 months before the likely month of implementation of the scheme. Such is the case. Therefore, due to the above mentioned reasons, 71 percent of the work of the entire scheme has been physically completed. Therefore, it will take a period till October 2023 to complete the scheme.
- m. When the e-tendering process was implemented for the work of Non Clog Submersible Pumping Machinery in Sewerage Scheme of Malegaon City, 87.00 percent above tender was received when the price list was opened. The for evaluation of rates received for tender proposal has been submitted to MJP dated 06/01/2023, yet the technical feedback has not been received from the MJP. The work of the scheme has been delayed due to delay in technical feedback, approvals, reports and other things by the Maharashtra Jeevan Pradhikaran (MJP) as the project management consultant.



(xiii) **Current status of the scheme:-**

Out of the proposed works, civil work of 63 MLD Sewage Treatment Plant is 100 % complete and mechanical work is in the final stage, two pumping stations namely Pawarwadi and Kachara depo are also 100 % complete. Also Trunk Main 14.10 K.M. Out of 19.15 K.M, 73.62% of the work has been completed. Nalla Interceptor for East & West Zone (36 Nos.) has been completed and physical progress of the scheme is 71% complete.

(xiv) **Action Plan for Completion of the Scheme:-**

- (i) Taking into account the above constraints, the work of the scheme is physically 71% completed. Out of 5 Km of proposed Trunk Main (1000 mm dia to 700 mm dia), 3.50 KM Trunk Main is on the main road and work is in progress. And the remaining 1.50 Km Trunk Main is full of hard rock in the riverbed, so it will take 6 months to complete both these works. Also, Civil work of 63 MLD Sewage Treatment Plant and Pawarwadi Pumping Station, Kachara Depo Pumping Station is 100% complete. for mechanical work in the scheme tender of Rs.5.47 crores has been invited and for technical feedback it has been submitted to MJP on 06/01/2023. This work will take 6 months. The scheme will be completed and implemented by October 2023.
- (ii) Under Amrut 2.0 Scheme awarded by the Central Government is being implemented in the state from the year 2021-22 under the Government Resolution No.: Amrut 2022/Pro.No.141/UD-33, dated 14th July, 2022 from the Urban Development Department of the State Government. In this, sewage disposal facilities will be provided in the municipal area under the Scheme. This includes Malegaon Municipal Corporation Sewerage Phase-2 Project and the project amount of 499.06 crores proposal has been given technical Sanctioned by Hon'ble Chief Engineer, Maharashtra Jeevan Pradhikaran (MJP), Nashik on 23

November 2022. The said project has been granted administrative approval for the project amount of 499.06 crores under Sewerage Project Phase-2 under Government Resolution No. Amrut-2023/Pro.No.91/UD-33 dated February 22, 2023 from the Urban Development Department of Government of Maharashtra.

- (iii) The said proposal includes individual sewerage connections of houses in the entire city and collection of waste water through underground sewers and conveyance to treatment Plants etc. Therefore, the waste water of the entire city will be collected and processed at the sewage treatment plant. As a result, the problem of health and cleanliness of the entire city will be solved.
- (iv) The project management consultant of the scheme, Maharashtra Jeevan Pradhikaran (MJP), has been informed about the seriousness of the National Green Tribunal (NGT) in periodic meetings and also through separate letters. Maharashtra Jeevan Pradhikaran (MJP) as a project management consultant is also responsible for planning the project from the point of view of completion.
- (xv) However, due to all the above-mentioned reasons and the delay of Maharashtra Jeevan Pradhikaran, 71% of the work of the entire scheme has been physically completed till date. It is planned to complete the scheme by October 2023.

C) Sanitation Department

a. Biological waste disposal

The work of disposal of biological waste from private and municipal hospitals and clinics in the Malegaon Municipal Corporation area under the provisions of the Hazardous Biological Waste Act 1998 is carried out by Water grace Products Pvt. Ltd. They have been employed since the year 2007 and through them the work of



disposal of biological waste from private and municipal hospitals and clinics in the municipal sector is going on smoothly.

b. Report on Proceedings under Solid Waste (Management and Handling) Rules, 2016.

- 1) Garbage collection in the city Malegaon Municipal Corporation generates an average of 350 metric tons of garbage every day. The work is going on to collect metric tons of waste on the municipal dumping ground for the entire municipal area. To collect garbage from slums, hotels, offices and commercial areas in the city, the garbage placed in the bins (containers) is picked up by municipal dumper placer vehicles and dumped on the impinging ground. By agreement dated 18/07/2013 May. Water Grace Products, Nashik has been awarded wet and dry waste sorting and collection for a period of 10 years. Today the average is 350 May. More than tons/per day of waste is collected daily.
- 2) Segregation of waste in the city - 2 plastic buckets (plain and mesh) have been distributed to every house in almost all parts of the city. The wet and dry waste collected through it is collected and transported daily by a total of 92 vehicles such as 44 bell carts, 25 trucks (407) and 23 tractors. Also, under Swachh Bharat Abhiyan, from May 2017, the solid waste of the city is being collected at the place of manufacture, special campaign, public awareness program and Prabhat Feri for school children etc. Programs are being organized. Accordingly, a target of 60% waste segregation in the city has been undertaken by January 2023 and it is being planned to achieve the target of 100% waste segregation before December 2023.
- 3) Storage of urban solid waste 500 litter bins like wet waste and dry waste have been kept in the commercial area of the city to collect the waste generated in the area. The



waste from the said bin is picked up daily by the contractors' vehicle.

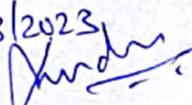
- 4) Transportation of municipal solid waste for collection and transportation of waste in the city - 44 bell carts, 25 trucks (407) in 21 wards of the municipal through the sanitation department. And by a total of 92 vehicles such as 23 tractors, the waste from the entire area of the municipal is collected by closed trolley vehicles in metric tons and sent to the depot in Mhalde Shiwar of the municipal for disposal.
 - 5) Municipal Solid Waste Treatment - Malegaon Municipal Corporation has started a vermin composting project under solid waste management on 3 acres of land in Mhalde Shiwar adjacent to the city in the year 2002 and it is currently running well. Under the said project, waste is being processed and vermin compost is being manufactured.
- c. Approximately 5 lakh cum has been dumped over the years at the existing waste depot at Mhalde Shiwar. The work of bio-mining and separation of waste in a scientific manner is underway and first of all, for the work of bio mining for 1 lakh cubic legacy waste Funds have been received under Swachh Bharat Abhiyan and the said work is being completed.
 - d. Remaining approximately 4 lakhs cumbic legacy waste budgetary provision has also been made for waste under the 15th Finance Commission and the tender process has been carried out. The work order of the said work has been given and till today through the said contractor, about 1 lakh cubic of waste has been scientifically separated and bio mined. Due to this work, water falling on the garbage will stop the flow of dirty water into the river during monsoon. The said work will be completed by September 2023 and the vacated space will be reused for other public works.



- e. Similarly, the daily waste generated in the city under the Malegaon Municipal Corporation's 16 hectares Land owned by the municipal corporation, adjacent to the site of the STP Plant in Savandgaon Road Mhalde Shivar. The work of solid waste management project has been taken up in this area.
- f. State Government Decision No. 31.3595 Crore Solid Waste Management Detailed Project Report (SWM DPR) has been approved under Swachh Bharat Abhiyan 1.0 vide SWMA-2018/Pro.No.46/UD-34 dated 01 March 2018. According to the project report, the task of constructing a solid waste management project (Solid Waste Resource Park). Awarded to Shivshakti Textiles, Malegaon. WO. No./Sw.V./737/2019 dated 21/11/2019 has been issued.
- g. State Government Decision as stated in Ghakvya-1003/P.No.675/Papu-22 dated 26th August, 2003, the work proposed by the District Level Committee could not be started unless there were approval certificates from various 6 departments of the Government.
- h. Accordingly, Malegaon Municipal Corporation has been communicating periodically with Divisional Forest Officer, Director Archeology Department, District Senior Geologist, Sub Divisional Officer Maharashtra Pollution Board, Assistant Director Town Planning, Executive Engineer, Irrigation Department. As per Government Resolution it is not possible to start the work before getting NOC from above departments and. For getting the NOC from above departments, corporation it takes period of 32 months from 24/01/2020 to 27/09/2022. (Attached copy)
- i. Malegaon Municipal Corporation received the NOC of the above departments in Sept 2022. The Collector and Committee Chairman

were requested to hold a meeting through a letter. A meeting was held on 28/09/2022 at 3.30 pm under the chairmanship of Collector and Committee Chairman. As per the instructions given in the said meeting, the work has been started. The work has been started through the contractor. Some of the machinery in the said proposal have been purchased and the work of installing those machinery has started and Malegaon Municipal Corporation is trying to complete the entire work by September 2023. After the completion of the said work, the daily accumulated waste will be processed in a strategic manner, so the problem of accumulation of waste or waste will be solved.

PUNE

DATED: 27/3/2023


ADVOCATE FOR RESPONDENT NO.5


RESPONDENT NO.5

Commissioner
Malegaon Municipal Corporation