

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

Original Application No. 24/2023(WZ)

Ajay Gulab Singh & Ors.

...Applicants

v/s

The Secretary, Environment Department,
Government of Maharashtra & Ors.

... Respondents

**Affidavit on behalf of the Respondent No.3 - Maharashtra
Pollution Control Board**

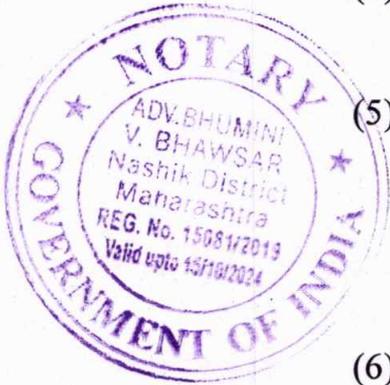
I, Rajendra A. Rajput, Age - Adult, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Nashik, having my office at Udyog Bhavan, First Floor, Trimbak Road, Near ITI, Satpur, Nashik-422 007, do hereby state on solemn affirmation as under:-

1. I have perused the papers and proceedings in the above matter. I am conversant with the facts of the case and am able to depose the same. I am filing this affidavit in compliance of the Order dated 27/04/2023 passed by this Hon'ble Tribunal.



BHUMINI V. BHAWSAR
Advocate & Notary, Govt. of India

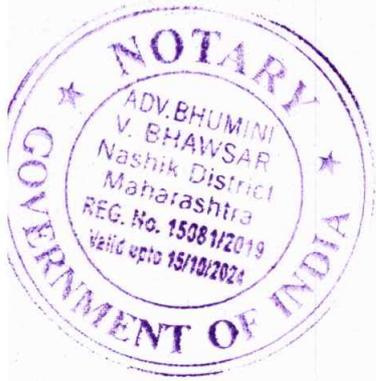
2. I say and submit that the present Application is filed by the Applicant alleging that Igatpuri Municipal Council is unauthorizedly dumping entire garbage and solid waste from the Igatpuri Municipal area in 10 acres of land of Golibar Maidan at Survey No.142, Village: Igatpuri. Nashik.
3. I say and submit that in order to verify the present status, the Official of the Respondent Board at Nashik visited the MSW site on 5/7/2023 and observed as under :
- (1) During visit, MSW site located at Gat No - 142 , Golibar Maidan, Igatpuri is not in operation since last 15 day due to Rainy season.
 - (2) Igatpuri Municipal Council is C - class Local body,
 - (3) Igatpuri Municipal Council has not obtained Authorization under Solid Waste Management Rule.
 - (4) Currently MSW is only dumping at Gat NO -142, Golibar Maidan, Igatpuri.
 - (5) Legally Approved MSW Site is Gat NO. 37, A/P- Awankhed village, Tal- Igatpuri, Dist - Nashik (out of Local body Area) but there is Litigation pending before the Hon'ble High Court Mumbai
 - (6) Daily generation of MSW 7.5 MT / day (dry - 3 MT/D & Wet 4.6 MT / day). There are 9 wards in Igatpuri Municipal Council area. Door to Door collection in Total




BHUMINI V. BHAWSAR
 Advocate & Notary, Govt. of India

-9 wards, which is transported through 05 Nos. of Auto tipper & 02 Nos. of Tractors.

- (7) Composting by RCC pit provided at Gat NO. 142, Golibar Maidan.
- (8) Dumping of dry waste (Approx 04 MT/day) is done at old site since 2017.
- (9) One Seasonal Nalla is passing from the said site & Compound wall is not provided currently.
- (10) Igatpuri Municipal Council has recently provided machineries like shredder, screening with belt conveyer, baling machine since from April – May – 2023 & started work of bio mining.
- (11) Approx 40 MT MSW waste bio mining is completed by the Council since April – 2023 to June - 2023 (before Raining)
- (12) Huge heaps of waste are still found unprocessed on site located at Golibar Maidan.
- (13) During visit due to raining, the work of MSW processing stopped & no any smell observed.
- (14) Four nos. of compost pit with capacity approx. 02 MT & 100 % of wet waste not composted and remaining wet waste dumped at site.
- (15) Currently unprocessed MSW at Golibar Maidan is approx. 700 MT to 800 MT.



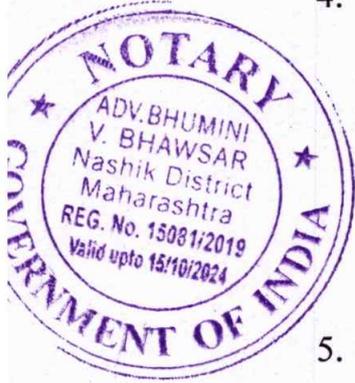

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- (16) Existing old dump site near Same Golibar Maidan is clean & remitted and Handed over to existing Land owner of Dhamangiri.
- (17) Govt . Hospital Colony is 50 mtrs. away & Dhamangiri is approx. 200 mtr away from old MSW site of Golbar Maidan.

A copy of the visit report dated 5/7/2023 alongwith typed copy of the same and photographs are enclosed herewith and marked as an **Annexure-I collectively**.

4. I say and submit that on the basis of above non-compliances observed during the visit on 5/7/2023, the Respondent Board has issued Prosecution Notice vide letter dated 19/7/2023 to the Respondent-Council. A copy of the Prosecution Notice dated 19/7/2023 is enclosed herewith and marked as an **Annexure-II**.
5. I further say and submit that the Respondent Board has also issued letter dated 19/7/2023 to the Respondent Council for assessment of Environment Compensation and directed to pay Rs.40 Lakhs towards non-compliance of Solid Waste Management Rules, 2016 for the period from 1/4/2020 to 31/7/2023, Rs.36 Lakhs towards not commencing the work of legacy waste sites remediation for the period from 1/4/2020 to March, 2023 and also directed to pay Rs.1.0 Lakh per month for the non-compliance of solid waste management till the

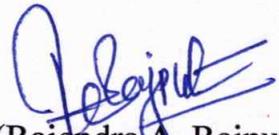

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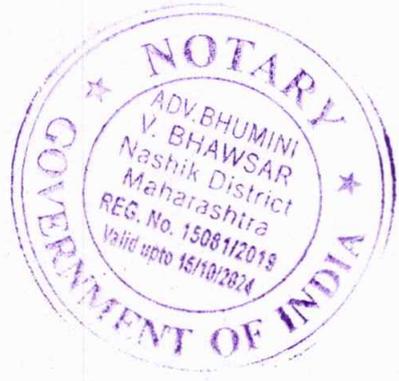
compliance and Rs.1.0 Lakh per month for non-compliance of Legacy waste management till the compliance. A copy of the letter for assessment of Environment Compensation dated 19/7/2023 is enclosed herewith and marked as an **Annexure-III**.

Solemnly affirmed on this 21st Day of July, 2023 at Nashik.

For & on behalf of Maharashtra Pollution Control Board,

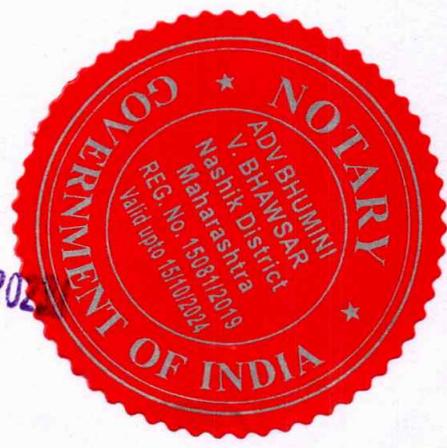


(Rajendra A. Rajput)
Regional Officer-Nashik



Solemnly affirmed & Sign. before me by Shri/Smt. Rajendra A. Rajput
Who is identified by Kishor Patil
whom I know personally.

TSL 2 12 1 JUL 2023
Bhumini V. Bhawsar
Advocate & Notary, Govt. of India



IDENTIFIED BY
Signature:- [Signature]
Name:- Kishor Patil
R/o. HSC

NOTARY
NOTED & REGISTERED
at Serial No. 2471/2023
Date:- 21 JUL 2023
THIS DOCUMENT
Contains 05 Pages.

MAHARASHTRA POLLUTION CONTROL BOARD**Grams: PREPOLL**

Tel Nos : 0253 / 2365150

Fax : 0253 / 2365150



Email: sronashik@mpcb.gov.in

"Your Service is our Duty"

Sub-Regional OfficeUdyog Bhavan, 1st floor,

Trimbak Road, MIDC Compound,

Near ITI., Satpur Nashik.-422 007.

VISIT REPORT

Date - 06/07/2023

Name of Industry: - Igatpuri Municipal Council
MSW Site, Igatpuri, Tal - Igatpuri
Dist - Nashik

Industry representative: - Mr. Tathe YP - 7385235000
Mr. Mohan V Pawar - 8600580497

Consent Status: - not obtain auth under MSW Rule

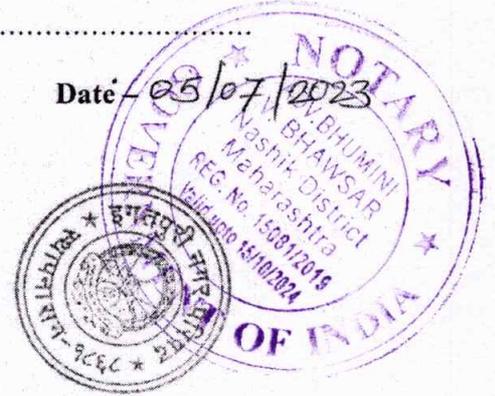
Observations: - During the **time of visit** following observation are made....

1. During visit, MSW site located at Gat No - 142, Golibar Maidan, Igatpuri is not in operation since last 15 day due to Rainy season.
2. Igatpuri Municipal Council is C - class Local body,
3. Igatpuri Municipal Council has not obtained Authorization under Solid Waste Management Rule.
4. Currently MSW is only dumping at Gat NO -142, Golibar Maidan, Igatpuri.
5. Legally Approved MSW Site is Gat NO. 37, A/P- Awankhed village, Tal- Igatpuri, Dist - Nashik (out of Local body Area) but there is Litigation pending before the Hon'ble High Court Mumbai.
6. Daily generation of MSW 7.5 MT / day (dry - 3 MT/D & Wet 4.6 MT / day). There are 9 wards in Igatpuri Municipal Council area. Door to Door collection in Total -9 wards, which is transported through 05 Nos. of Auto tipper & 02 Nos. of Tractors.
7. Composting by RCC pit provided at Gat NO. 142, Golibar Maidan.
8. Dumping of dry waste (Approx 04 MT/day) is done at old site since 2017.
9. One Seasonal Nalla is passing from the said site & Compound wall is not provided currently.
10. Igatpuri Municipal Council has recently provided machineries like shredder, screening with belt conveyer, baling machine since from April - May - 2023 & was started work of bio mining.
11. Approx 40 MT MSW waste bio mining is completed by the Council since April - 2023 to June - 2023 (before Raining).
12. Huge heaps of waste are still found unprocessed on site located at Golibar Maidan.
13. During visit due to raining, the work of MSW processing stopped & no smell observed.
14. Four nos. of compost pit with capacity approx. 02 MT & 100 % of wet waste not composted and remaining wet waste dumped at site.
15. Currently unprocessed MSW at Golibar Maidan is approx. 700 MT to 800 MT.
16. Existing old dump site near Same Golibar Maidan is clean & remitted and handed over to existing Landowner of Dhamangiri.
17. Govt. Hospital Colony is 50 mtrs. away & Dhamangiri is approx. 200 mtr away from old MSW site of Golbar Maidan.

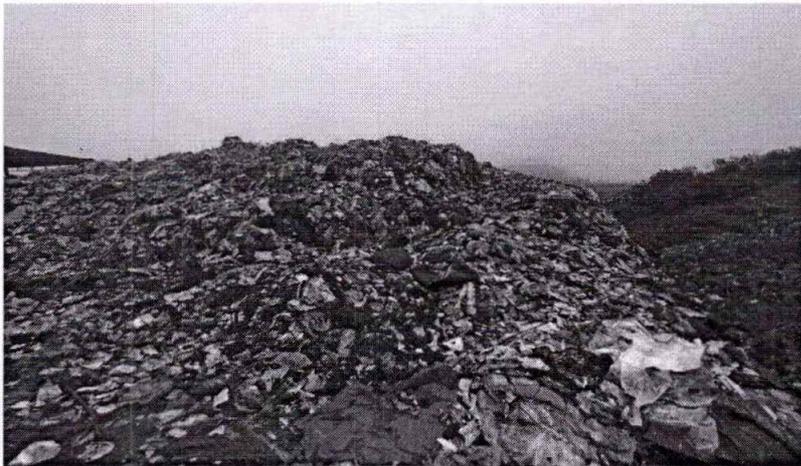


[Signature]
05/07/2023
Junior Engineer
Electrical
Igatpuri Municipal Council

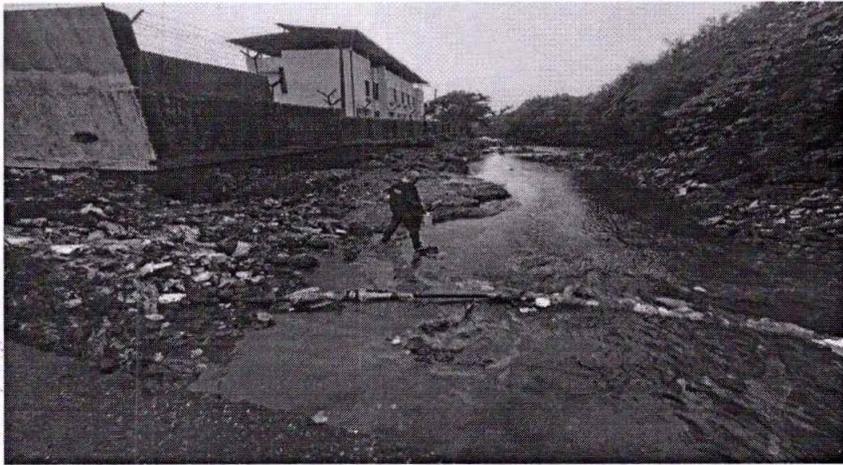
[Signature]
R.P. Suryawade
Field officer
SRO Nashik
Page 1 of 1



SITE VISIT PHOTOS OF MSW SITE AT IGATPUTI MUNICIPAL COUNCIL, IGATPURI, DISTRICT NASHIK



SITE VISIT PHOTOS OF MSW SITE AT IGATPUTI MUNICIPAL COUNCIL, IGATPURI, DISTRICT NASHIK



NOTARY
ADV. BHUMINI
V. BHAWASAR
Nashik District
Maharashtra
REG. No. 1508/12019
Valid upto 15/11/2024
GOVERNMENT OF INDIA

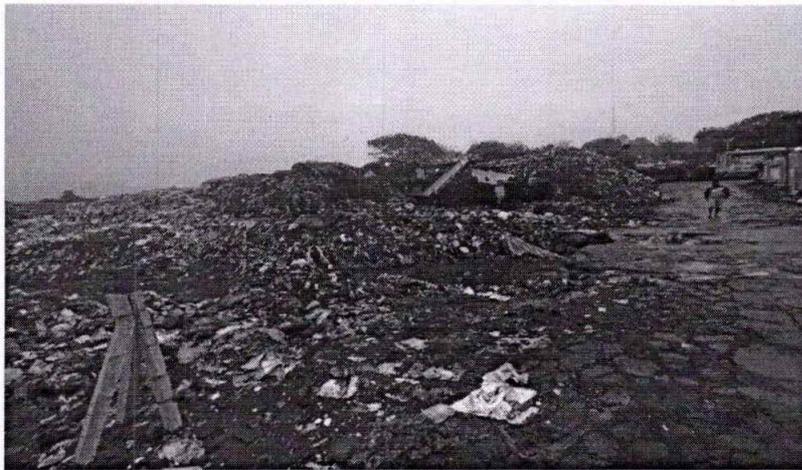
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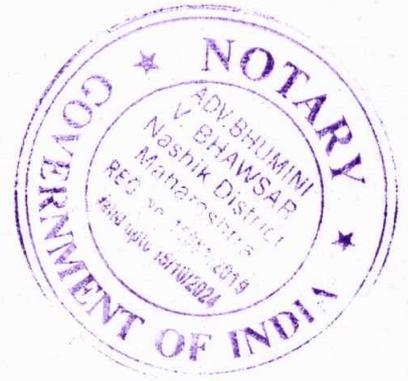
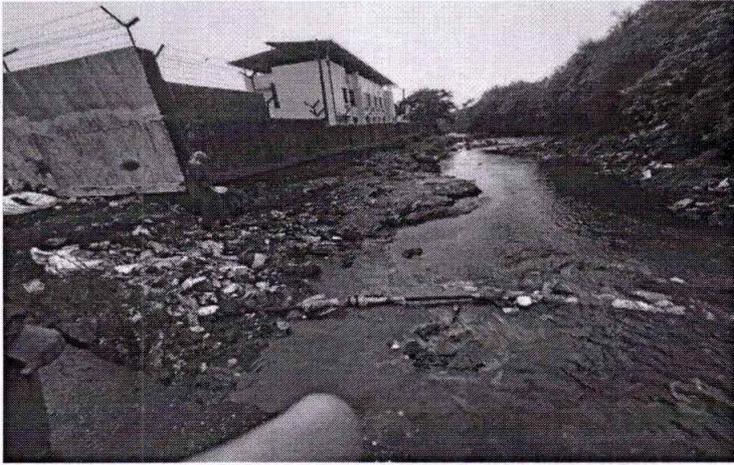
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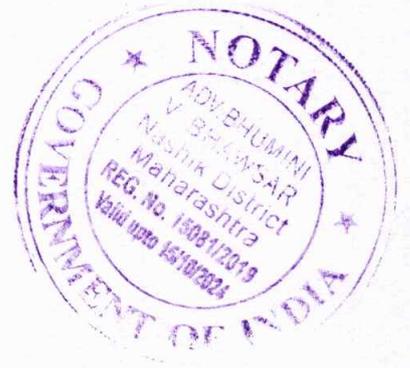
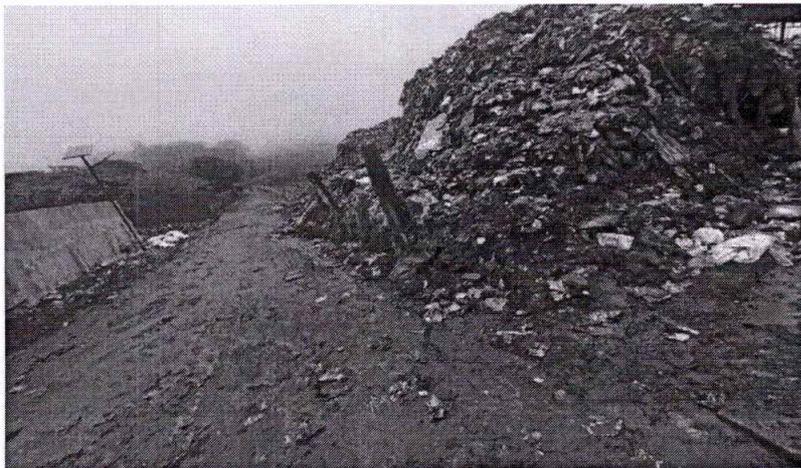
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SITE VISIT PHOTOS OF MSW SITE AT IGATPUTI MUNICIPAL COUNCIL, IGATPURI, DISTRICT NASHIK



MAHARASHTRA POLLUTION CONTROL BOARD

Phone: 0253/2365150
Fax: 0253/2365140



Regional Office
Udyog Bhavan, First Floor
Trimbak Road, Near ITI, Satpur,
Nashik - 422007

Visit us at www.mpcb.gov.in
E-mail: ronashik@mpcb.gov.in

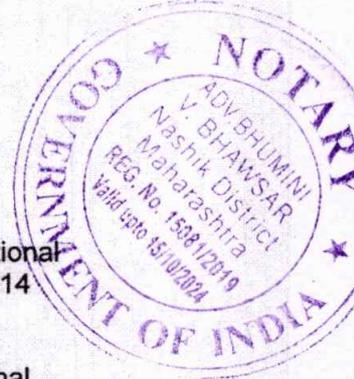
No. MPCB/SCN/PR/2307190001

Date: 19/7/2023

To
The Chief Officer,
Igatpuri Municipal Council,
Tal Igatpuri, Dist Nashik.

Sub: Prosecution Notice under section 15 of the Environment (Protection) Act, 1986 read with the provisions of the Solid Waste Management Rules 2016.

- Ref:**
1. Judgment Dated 22.12.2016 passed by the Hon'ble National Green Tribunal, New Delhi in the Application no. 199/2014 filed by Almitra H. Patel v/s Union of India & Ors.
 2. Orders dated 20/08/2018, 16/01/2019, 08/04/2019 and 12/09/2019 passed by Hon'ble NGT, New Delhi in Original Application no. 606/2018 in the matter of compliance of Solid Waste Management Rules, 2016.
 3. Hon'ble NGT order dtd 28.008.2019 in Original Application no. 593/2017 in Paryavaran Surksha Samiti & anr v/s Union of India.
 4. Various Directions issued by Maharashtra Pollution Control Board with regards to the compliance of Solid Waste Management Rules, 2016.
 5. The Complaint lodged by Shri Ajay Singh regarding illegal disposal of Solid waste at Golibar Maidan, Igatpuri by Municipal Council.
 6. Visit of Board Officials dtd. 25.11.2022.
 7. Show Cause Notice issued for non - compliance observed during visit dtd. 25.11.2022 on dtd. 16.12.2022.
 8. Reply submitted on 22.12.2022.
 9. Visit of the Board officials on 05.07.2023 towards verification of SCN
 10. Compliant filed at Hon'ble NGT no. 24/2023 by Shri Ajay Gulab Singh & Ors Vs. The Secretary, Environment Department, Govt. of Maharashtra & Ors
 11. Approval received from Higher Authority.



WHEREAS, the Ministry of Environment & Forests, Govt. of India has notified the Solid Wastes Management Rules, 2016 vide Notification No. S.O. 1357 (E), dated 8/4/2016. AND WHEREAS, the responsibility of the municipal authorities is specified under the provisions of the said Rules.

AND WHEREAS, it is mandatory to provide necessary infrastructure for implementation of these rules shall be created by the local bodies & other concerned authorities, as the case may be, on their town, by directly or engaging agencies within the time frame specified in Rule 22 of the said Rules.

:2:

AND WHEREAS it is mandatory to obtained authorization under the provisions of the Municipal Solid Wastes (Management & handling) Rules, 2000 in respect of proper collection, treatment and disposal of Municipal Solid Waste generated from the Igatpuri Municipal Council area. **AND WHEREAS**, it is also obligatory on your part to comply with the Solid Waste Management Rules, 2016.

AND WHEREAS, the complaint lodged by Shri. Ajay Singh regarding illegal disposal of solid waste at Golibar Maidan, Igatpuri by Municipal council on dtd. 14.11.2022.

AND WHEREAS, in accordance with the verification of the contents of the said complaint, the Board officials visited the site along with you **AND WHEREAS**, Board on the observation during the visit has issued Show Cause Notice dtd. 16.12.2022 against disposing the Solid waste on unauthorized site, disposing the solid waste in unscientific manner also smell nuisance in the surrounding area, burning of solid waste at the site etc.

AND WHEREAS you have submitted the reply to the SCN but it seems not satisfactory and again Board officials visited the site on 05.07.2023 for verification of the same and observation that you have constructed RCC compost pits with a capacity of approximately 02 MT at the G.No. 142 site, with partly wet waste composted and the remaining wet waste dumped at the site, but during visit no any process on site observed. The un-processed Municipal Solid Waste approximately 700 MT to 800 MT observed. The government hospital colony is 50 meters away from the dump site, and there is an encroached area near the MSW site.

AND WHEREAS, the Board has already given you sufficient & reasonable opportunity to improve your pollution control system. However, you are not serious about pollution control & comply with the Solid Waste Management Rules.

NOW THEREFORE, you are hereby called upon to show cause as to why prosecution under section 43, 44 read with section 24,25/26 of the Water (prevention & Control of Pollution) Act 1974 & Section 15 of the Environment (Protection) Act 1986 read with Municipal Solid Waste (Management & Handling) Rules 2000 shall not be launched against your Municipal Council as well as the persons, who are held responsible for day to day affairs of the Council ?

Your reply to the said notice shall reach this office within a period of 15 days from the date of receipt of this notice, failing which, legal action shall be initiated against your corporation without giving you further opportunity, which please note.


(Dr. Rajendra A. Rajput)
Regional Officer – Nashik

Copy to –

- 1) The Assistant Secretary (Technical), M.P.C. Board, Sion Mumbai / Regional Officer (HQ) / Law Officer (P&L Divn.), Mumbai – for information.
- 2) Sub Regional Officer, MPCB, Nashik – for information and necessary follow up action.

MAHARASHTRA POLLUTION CONTROL BOARD

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E-mail: ronashik@mpcb.gov.in
No. MPCB/TB/EC/ 721

Date: 19/7/2023

To
The Chief Officer,
Igatpuri Municipal Council,
Tal Igatpuri, Dist Nashik.

Sub : Assessment of Environment Compensation as per directions of Hon'ble National Green Tribunal dated 02/07/2020 in Original Application No.606/2018-In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

Ref : Orders dated 24/01/2020 & 2/7/2020 passed by Hon'ble NGT in Original Application No.606/2018.

The Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed orders dated 24/01/2020 & 2/7/2020 in Original Application No.606/2018- In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

In terms of order dated 24/01/2020 in O.A. No.606/2018, Order dated 28/08/2019 in O.A. 593/2017 and Order dated 06/12/2019 in O.A. No.673/2018, the Hon'ble NGT has directed to all the Local Bodies and or the concerned Department of the State Government have to ensure 100% collection, segregation, treatment and disposal of solid waste including legacy waste & liquid waste and in default to pay compensation which is to be recovered by the State with effect from 01/04/2020.

The Hon'ble NGT vide order dated 02/07/2020 in Original Application bearing No.606/2018 directed as follows:

- (i) In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020.
- (ii) Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.
- (iii) Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01/04/2020 till the compliance will result in liability to pay compensation @ Rs.10 Lakhs per month per local body for population above 10 lakhs, Rs.5 Lakhs per month per local body for population between 5 lakhs to 10 lakhs and Rs.1 Lakh per month per other local body.
- (iv) If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

: 2:

The officials of the Board at Sub – Regional, Nashik reported the following non- compliances. as on 1/4/2020.

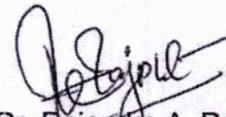
1. Your Local Body is generating solid waste to the tune of 8.5 MT/day, out of that 0 MT/day is treated and 8.5 MT/day of the solid waste is being dumped without treatment.
2. Your Local Body has not developed or established sanitary landfill for disposal of inert material.
3. Your Local Body has failed to commence the work of legacy waste sites remediation.

It has been observed that you have failed to comply with the timeframe for the implementation of the Solid Waste Management Rules, 2016 and timelines given by the Hon'ble NGT in various orders.

In view of the non-compliances and as directed by the Hon'ble NGT, you are hereby directed to pay final compensation from 01.04.2020 till compliance as follows:

1. Final Environmental Compensation of Rs.40 Lakhs (40 months X 1 Lakhs) towards the non-compliance of Solid Waste Management Rules, 2016 untreated Solid waste to the tune of 8.5 MT/day from 1/4/2020 to 31.07.2023.
2. Final Environmental Compensation of Rs. 36 Lakhs (36 months X 1 Lakhs) from 1/4/2020 to March – 2023 towards not commencing of the work of legacy waste sites remediation.
3. Henceforth, You shall pay of Rs 1.0 Lakhs per month for the non-compliance of solid waste management till the compliance & Rs. 1.0 Lakhs per month for the non – compliance of Legacy waste management till the compliance.

You are requested to deposit the aforesaid amount towards the environment compensation for restoration of environment within 15 days from the receipt of this letter.



(Dr. Rajendra A. Rajput)
Regional Officer – Nashik

Copy to –

- 1) The Assistant Secretary (Technical), M.P.C. Board, Sion Mumbai / Regional Officer (HQ) / Law Officer (P&L Divn.), Mumbai – for information.
- 2) Sub Regional Officer, MPCB, Nashik – for information and necessary follow up.