



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.47/2024 (WZ)**

Nandkumar Pawar ----- Applicant

Vs

MCGM & Ors ----- Respondents

**Affidavit on behalf of the Maharashtra Pollution Control Board
i.e. Respondent No.4**

I, Rakesh Dafade, Age-adult , Occupation -Service , the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-III, having my office address at Kalpataru Point, 2nd Floor, Near Sion Circle, Sion(East), Mumbai-400 022, do hereby state on solemn affirmation as under:-

1. I am filing this Affidavit in compliance of the Order dated 07/05/2025 passed by the Hon'ble National Green Tribunal, Western Zone, Pune, on behalf of the Respondent No.4 i.e. Maharashtra Pollution Control Board.

Rakesh Dafade

2. I say and submit that the instant Original Application is filed by the Applicant regarding indiscriminate dumping of solid waste and sewage in CRZ area of salt pans, mangroves at Nahur East, Kanjurmarg and Bhandup, opposite Eastern Expressway, Mumbai. It is further alleged that the stagnation of water in the said area is causing breeding grounds for mosquitoes and the same is also blocking tidal water inlets in the said CRZ area.
3. I say and submit that this Hon'ble NGT vide Order dated 20/2/2024 constituted a Joint Committee of Municipal Corporation of Greater Mumbai(MCGM) i.e. Respondent No.1, Maharashtra Coastal Zone Management Authority (MCZMA) i.e. Respondent No.7 and Mangrove Cell i.e. Respondent No.8 and directed to visit and submit the report. Accordingly, the Joint Committee has submitted its Report dated 6/5/2024 before this Hon'ble NGT.
4. I say and submit that in order to verify the allegation made by the Applicant, the officials of the Respondent -MPCB alongwith Mangroves Cell (Forest Deptt) visited the site in question on 30/5/2024 and observed as under:
- i) The location mentioned in Exhibit -E at Kanjurmarg (latitude 19.133771, longitude 72.94353) -The construction and demolition waste and solid waste such as plastic, pet bottles, clothes were found dumped in nalla premises. Sewage was not observed at the said location.

R.S. Dofandi

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- ii) Exhibit E-(latitude 19.131605, longitude-72.942199) - The untreated sewage from slum area and other residential area found flowing to the grass cultivation area.
- iii) Usha nagar nalla-The untreated sewage was seen flowing into Usha nagar nalla, which further meets the creek. Large amounts of solid waste such as plastic, pet bottles, clothes and other floating material was seen in the nalla.
- iv) Exhibit F (Nanepada nalla latitude 19.158653, longitude 72.959943) Mulund village , near Bhandup pumping station -Untreated sewage was flowing through this nalla and found silted. Most of all the above places debris and solid waste was found dumped and sewage was flowing through this nalla may obstruct the free flow of water. A copy of the visit report dated 30/5/2024 is annexed herewith as an **Annexure-I**.

In view of the above non-compliances, the Respondent -MPCB has issued Show Cause Notice vide letter dated 21/6/2024 to Municipal Corporation of Greater Mumbai-Respondent No.1. A copy of the Show Cause Notice dated 21/6/2024 is annexed herewith as an **Annexure-II**.



5. I say and submit that based on the Joint Committee Report and Show Cause Notice dated 21/6/2024, the Respondent -MPCB has issued Proposed Directions to MCGM-Respondent No.1 vide letter dated 25/7/2024 with a direction to remain present for personal hearing on 29/7/2024 alongwith relevant documents and time bound programme. A copy of the Proposed Directions dated 25/7/2024 is annexed herewith as an **Annexure-III**.

6. I say and submit that the MCGM-Respondent No.1 vide reply dated 29/7/2024 informed that regarding floating material into the creek area, they have already floated a tender for installation of trash boom on the upstream side of the nalla's crossing Eastern Express High way in BMC area for arresting the solid waste /floating material. The tender is in final stage. MCGM-Respondent No.1 has appointed consultant M/s.Tandon Urban Solutions Pvt Ltd to finalise the system for diversion / treatment of dry weather flow (sewage), the report is awaited. In the nearby vicinity, public awareness is being done by MCGM, for not to throw garbage in the nallas. MCGM-Respondent No.1 has carried out work of desilting of all the said nallas on upstream of Eastern Express Highway.



7. I say and submit that based on the personal hearing held on 29/07/2024 and reply dated 29/07/2024 submitted by MCGM-Respondent No.1, the Respondent Board has issued interim directions to the MCGM(BMC) vide letter dated 29/7/2024 and directed as under :-

1. BMC shall install trash boom on the upstream side of nalla's crossing Eastern Express Highway (EEH) in BMC area for arresting the solid waste/floating material within 3 months period.
2. BMC shall divert all the untreated sewage to the nearest STP through sewerage drain line within 3 months period and to ensure that no untreated sewage is disposed to nalla / creek.
3. BMC shall desilt all the nallah in the area within 3 months period.
4. BMC shall prevent / stop the illegal dumping of solid waste/ debris along the nalla site and proper system shall develop for implementation of Solid Waste Management Rules, 2016 and Construction &

M.P.C. Board, Mumbai
Sd/- Regional Officer

[Handwritten signature]



Demolition Waste Management Rules, 2016 to avoid any pollution nuisance in the vicinity.

A copy of the Interim Directions dated 29/7/2024 is enclosed herewith and marked as an **Annexure-IV**.

Solemnly affirmed on this day of July, 2024 at Mumbai.

I know the affiant.

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

(Rakesh Dafade)
Sub-Regional Officer,
MPCB-Mumbai-III

ADVOCATE

BEFORE ME

Vasant B. More
29/7/2024

29 JUL 2024

VASANT B. MORE
Notary Gr. Mumbai
7, Vijaya Sadan, Flat No. 304,
Above Axis Bank,
Sion West, Mumbai-400022
Reg. No 746/2024.

Sub Regional Officer
M.P.C. Board, Mumbai-43



Site Inspection Report

Annexure - I

Date: - 30/05/2024

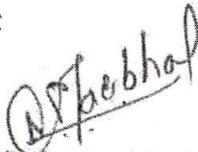
Board Office has received the NGT Matter OA 47/2024 regarding disposal of solid waste & sewage in CRZ area of salt pans, mangroves at nahur, kanjurmarg & bhandup, opposite Eastern express way Mumbai.

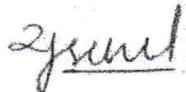
This office has called BMC representative and mangroves cell (forest dept) representative vide e-mail dated 27/05/2024 for inspection of site in question on 30/05/2024. Board official along with mangrove cell representative Mr. Nilesh Shrawane visited the salt pan, mangroves at nahur, kanjurmarg & bhandup, opposite eastern express way, Mumbai.

1. The location mentioned in exhibit - E at Kanjurmarg (latitude 19.133771, longitude 72.94353) the C & D waste & solid waste such as plastic, pet bottle, clothes are found dumped in nalla premises, Sewage not observed at this location.
2. Exhibit E - (latitude 19.131605, longitude 72.942199) the sewage (Untreated) from slum area and other residential area found flowing to the grass cultivation area.
3. Usha nagar nalla - The untreated sewage was seen flowing into the usha nagar nalla which further meets to creek. Large amount of solid waste such as plastic, pet bottles, clothes and other floating material was seen in the nalla. Sample of nalla water collected for analysis.
4. Exhibit F (nanepada nalla latitude 19.158653, longitude 72.959943). Mulund village, near bhandup pumping station untreated sewage flowing through this nalla and found silted.

From the above it is observed that most of all the above places debris and solid waste found dumped and sewage flowing through this nalla which may obstruct the free flow of water.


Nilesh Shrawane
Round Forest officer


Nilesh Marbhal
F.O. Mumbai- III


Rakesh S. Dafade
SRO Mumbai - III



MAHARASHTRA POLLUTION CONTROL BOARD		
Phone :	(022)- 24016239	 Kalpataru Point, 2 nd floor, Sion- Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022
Fax :	(022)- 24015269	
Email :	romumbai@mpcb.gov.in	
Visit At :	http://mpcb.gov.in	

"Your Service is our Duty"

No: MPCB/ROM/ SCN - 2406210033

Date: - 21/06/2024

To,
 Assistant Commissioner
 Brihanmumbai Municipal Corporation
 S' ward Municipal Office Bld, 2Nd Floor,
 L.B.S Road, near Mangatram Petrol Pump,
 Bhandup West, Mumbai, Maharashtra 400078

Sub: Show Cause notice for violation of section 26 of the Water (Prevention & Control of Pollution) Act, 1974, section 21 of the Air (Prevention & Control of Pollution) Act, 1971 & amendments.

Ref: 1. Hon'ble NGT order OA 47/2024
 2. Joint Visit of official of MPCB, Mangrove Cell Mumbai site on 30/05/2024

WHEREAS, the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 and Solid Waste Management Rules, 2016.

AND WHEREAS, received NGT Matter OA 47/2024 regarding disposal of solid waste & sewage in CRZ area of salt pans, mangroves at nahur, kanjurmarg & bhandup, opposite Eastern express way Mumbai.

AND WHEREAS, Board official along with mangrove cell representative visited the salt pan, mangroves at nahur, kanjurmarg & bhandup, opposite eastern express way, Mumbai and reported that most of all places debris and solid waste found dumped and sewage flowing through this nalla which may obstruct the free flow of water.

NOW THEREFORE, in view of aforesaid facts, you are hereby directed to show cause as to why legal action shall not be initiated you under the provisions of section 26 of the Water (Prevention & Control of Pollution) Act, 1974, section 21 of the Air (Prevention & Control of Pollution) Act, 1981. you are hereby called upon to show cause as to why appropriate legal action shall not be initiated against your Corporation.

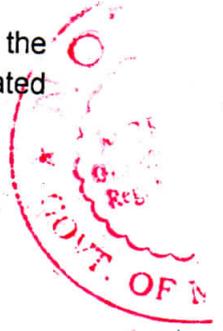
Your reply shall reach this office within a period of 15 days from the receipt of this communication failing which, appropriate action will be initiated against you, which please note.

For and on behalf of Maharashtra
Pollution Control Board.



(S.B. Bhosale)

Regional Officer, Mumbai



Copy submitted to : Hon'ble Member Secretary, MPCB, Mumbai – for favour of information.

Copy submitted to: Regional Officer(BMW), MPCB, Mumbai – for information.

Copy to: Sub-Regional Officer, MPCB, Mumbai-III - He is ensure that direction to be served to the industry.

MAHARASHTRA POLLUTION CONTROL BOARD		
Phone :	(022)- 25505928	 Kalpataru Point, 2 nd floor, Sion- Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022
Fax :	(022)- 25505926	
Email :	romumbai@mpcb.gov.in	
Visit At :	http://mpcb.gov.in	

"Your Service is our Duty"

No: MPCB/ROM/PDI -240725-PTS-0187

Date: 25 /07/2024

MARASH

To,
 Assistant Commissioner
 Brihanmumbai Municipal Corporation
 S' ward Municipal Office Bld, 2Nd Floor,
 L.B.S Road, near Mangatram Petrol Pump,
 Bhandup West, Mumbai, Maharashtra 400078

Sub: Proposed directions u/s 33A of the Water (Prevention & Control of Pollution) Act

- Ref:
1. Order dtd.20/2/2024 passed by the Hon'ble National Green Tribunal, WZ, Pune in Original Application No.47/2024 filed by Nandkumar Pawar v/s MCGM & Ors.
 2. Joint Committee Report dated 06/05/2024.
 3. Show Cause Notice dtd.21/6/2024.

WHEREAS, Nandkumar Pawar has filed an Original Application bearing No.47/2024 against MCGM & Ors. before the Hon'ble National Green Tribunal, WZ, Pune regarding indiscriminate dumping of solid waste and sewage in CRZ area of salt pans, mangroves at Nahur (East), Kanjurmarg and Bhandup, Opp.Eastern Express Mumbai.

AND WHEREAS, in compliance of the Order dtd.20/2/2024 passed by the Hon'ble NGT, a Joint Committee consisting of Members of MCGM, MCZMA and Mangrove Cell have filed Joint Committee Report dated 6/5/2024 before the Hon'ble NGT, WZ, Pune. The observations of the Joint Committee are as under :-

1. The 'Bombay oxygen' Nallah. It was observed that one the left side (eastern side of the highway) (i) excessive silting has caused this nallah to shrink in size (ii) sewage and other floating material was flowing into the Thane Creek.
2. Minor nallah near Bhandupeshwar Kund. (i) On the left side, the Nallah has shrunk due to silting (ii) there is sludge accumulation in the "box culvert" under the highway and the floor of the same appears higher. On the Right side the nallah has shrunk in width and depth due to silting.
3. Ushanagar Nallah; On the Left Side (i) Untreated sewage was seen floating into the creek (ii) Much floating material was seen I the nallah (iii) silt deposit is



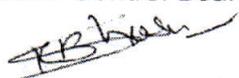
heavy. On the Right Side (i) the same situation as above was observed: (ii) The Nallah has supporting retaining walls on both sides. There are several vents were made for sea water to go into the nearby mangroves. These vents are also choked by various materials thereby obstructing sufficient flow of sea water.

4. Kanjur Village (190752.32 N- 0725633.93E) On the Left side, sewage from a small nallah has been diverted for grass cultivation which is seen partly on privately owned land abutting the Highway and partly on Salt Pan land; this is till the 'bund' separating the mangroves area from the salt pan lands. On the right side, the situation is the same but there are no mangroves.
5. Crompton Nallah On both sides (Left and Right) there is (i) excess floating material and (ii) untreated sewage is seen flowing into the Thane Creek.
6. Nanepada Nallah: on the Left side silting and excess floating material is seen due to which the nallah is completely sewage water is finding its way into the Thane Creek. All of this reduces the free flow of water.

AND WHEREAS, based on the non-compliances observed by the officials of MPCB and Mangroves Cell during their visit to the site in question on 30/5/2024, the MPCB has issued show cause notice to MCGM on 21/6/2024.

AND WHEREAS, in view of the aforesaid non-compliances, you are hereby directed to remain present for personal hearing before undersigned on **29/07/2024 at 11.30 AM** along with relevant documents and time bound programme, failing which, the Board will initiate appropriate action against MCGM, which please note.

Maharashtra Pollution Control Board


(S. R. Bhosale)

Regional Officer, Mumbai

Copy submitted to:-

1. Hon'ble Member Secretary, MPCB, Mumbai – for favour of information.
2. Regional Officer(BMW), MPCB, Mumbai – for information.

Copy to: Sub-Regional Officer, MPCB, Mumbai-III - He is ensure that direction to be served to the industry.

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Annexure - IV

MAHARASHTRA POLLUTION CONTROL BOARD		
Phone :	(022)- 25505928	 Kalpataru Point, 2 nd floor, Sion- Matunga Scheme Road No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022
Fax :	(022)- 25505926	
Email :	romumbai@mpcb.gov.in	
Visit At :	http://mpcb.gov.in	

"Your Service is our Duty"

Date: 29 /07/2024

No: MPCB/ROM/ ID - 240724-PTS-0154
 To

Assistant Commissioner
 Brihanmumbai Municipal Corporation
 S' ward Municipal Office Bld, 2Nd Floor,
 L.B.S Road, near Mangatram Petrol Pump,
 Bhandup West, Mumbai, Maharashtra 400078

Sub: Interim Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:** 1. Order dtd.20/2/2024 passed by the Hon'ble National Green Tribunal, WZ, Pune in Original Application No.47/2024 filed by Nandkumar Pawar v/s MCGM & Ors.
 2. Joint Committee Report dated 06/05/2024.
 3. Show Cause Notice dtd.21/6/2024.
 4. Proposed direction issued on 25/07/2024
 5. Reply submitted by Industry on 29/07/2024
 6.. Personal Hearing extended to you on 29/07/2024.

We refer to proposed directions dated 25/07/2024, reply dated 29/07/2024 submitted by you & followed by personal hearing to you on 29/07/2024. During the course of hearing BMC officials inform that as below: -

1. Floating material is floating into the Creek area-
 BMC office has already floated a tender for installation of trash boom on the upstream side of nalla's crossing Eastern Express Highway (EEH) in BMC area for arresting the Solid waste/floating material. The tendering of same is in final stage and the work expected to start after monsoon.
2. Untreated sewage is seen flowing into the Creek area-
 BMC has appointed consultant M/s. Tandon Urban Solutions Pvt. Ltd. to finalize the system for diversion/treatment of dry weather flow (sewage). Report awaited from consultant. The actual execution of work to divert/arrest sewage water inside CRZ/ Mangrove area will be taken after finding of draft DPR (Detailed Project Report)/ Methodology of work from consultant.
3. Illegal dumping of garbage by citizens in Nalla's -
 In the nearby vicinity, Public awareness is being done by BMC that not to throw garbage in the nalla's.

4. Excessive Silting has caused to shrink in size of Nalla's –
BMC has carried out work of desilting of all said nalla's on upstream of Eastern Express Highway (EEH).

Taking into consideration of your reply the discussion held on 29/07/2024, you are directed to comply with following directions

1. BMC shall installation of trash boom on the upstream side of nalla's crossing Eastern Express Highway (EEH) in BMC area for arresting the Solid waste/floating material within 3-month period.
2. BMC shall divert all the untreated sewage to the nearest STP through sewerage drain line within 3-month period. And also ensured no untreated sewage disposed to nalla/ creek.
3. BMC shall desilt all the nallah in the area within 3 month period.
4. BMC shall prevent /stopped the illegal dumping of solid waste/debris along the nallah site & proper system shall develop for implementation of solid waste management rule 2016 & Construction and demolition waste Rules 2016 to avoid any pollution nuisance in the vicinity.

For & on behalf of MPC Board


(S.R. Bhosale)

Regional Officer, Mumbai

Copy submitted to: -

1. Regional Officer (BMW), MPC Board, Sion, Mumbai – for information.
2. Law Officer, MPC Board, Sion, Mumbai – for information.

Copy to:

Sub Regional Officer, MPC Board, Mumbai -III- He is directed to serve copies of direction & keep necessarily follow up.

