



**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, BENCH, PUNE
Original Application No.39/2025 (WZ)**

Dr.Snehal Donde

--- Applicant

Vs

Binwandi Nizampur Municipal
Corporation & Ors

---Respondent(s)

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

I, Saujanya Patil, Age-adult , Occupation -Service , the Sub Regional Officer of the Maharashtra Pollution Control Board at Bhiwandi, having my office address at Siddhivinayak Sankul, 3rd and 4th Floor, Near Oak Baug, Station Road, Kalyan – 421 301, do hereby state on solemn affirmation as under:-

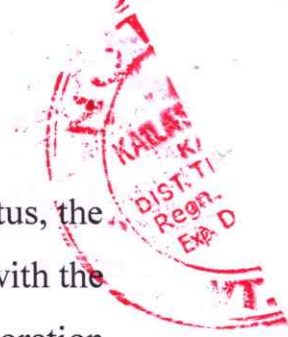
1. I am filing this Affidavit on behalf of the Respondent No.3 i.e. Maharashtra Pollution Control Board in compliance of the Order dated 30/06/2025 passed by this Hon'ble NGT.
2. The instant application is filed in respect of water pollution in the Varhaladevi Lake and Kamvari River in Bhinwandi, which is extremely dangerous to health and safety of eco-systems, human and wild life.

3. I say and submit that in order to verify the present status, the Officials of the Respondent Board at Bhiwandi alongwith the Official of Bhiwandi Nizampur Municipal Corporation (BNCMC) visited the Varhaladevi lake on 20/08/2025 and inspected the natural drains discharging into Varhaladevi Lake and the adjoining areas and observed as under :

(i) There are three natural nallas through which water is directly enters the Varhaladevi Lake.

(1) Nalla near Commissioner Bungalow (BNCMC area) : This natural drain (nalla) carries a continuous flow of water into the Varhaladevi Lake. The water appeared colourless and the pH measured with pH paper was found to be in the range of 6-7.(pH standard is 6.5 to 8.5). Water samples were collected from this drain, which is located adjacent to the bungalow of the Hon'ble Commissioner. The drain carries domestic waste water from the BNCMC area alongwith domestic discharge from Mansarovar Society , which ultimately flow into the Varhaladevi Lake.

(2) Nalla from Fenepada (BNCMC area) : This is natural water drain and show full flow of water and discharges directly into Varhaladevi Lake. The pH of water checked with pH Paper observed to be in the range of 6 to 7.(pH standard is 6.5 to 8.5). The water in this drain found colourless during observation. Fenepada Nalla carry out domestic waste water generated from mansarovar residencial area, which further meets to varahaladevi lake.





(3) Nalla from Fenegaon (BNCMC area) : This is a natural water drain, however, it carries domestic waste water from the BNCMC area. The nalla shows continued flow and discharges directly into the Varhaladevi Lake. The pH of water checked with pH paper was observed to be in the range of 6-7 and the water appeared colourless during observation.

During visit water samples were collected from the overflow of Varhaladevi Lake, the discharge from which ultimately joins the Kamavari River/Creek. The overflow water is observed to be light green in colour, which pH is in the range of 6-7. (pH standard is 6.5 to 8.5).

(4) Observation of Sewage Treatment Plant (STP) of BNCMC : Presently there are two STPs, which are in operation under BNCMC jurisdiction.

(i) STP at Katai-1 (Capacity : 13 CMD) :- Operational.

(ii) STP at Katai-2 (17 MLD capacity) :- Not operational and permanently closed. The plant has been dismantled and shut down permanently due to outdated technology.

(iii) STP Idgah (30 MLD capacity) :- Operational.

Total sewage generation in BNCMC area is 90 MLD. Total sewage treated is 43 MLD and balance sewage of 47 MLD is discharged into Kamavari



River/Creek through various drains without treatment.

It is also observed that the BNCCMC has not connected the underground drainage network to the existing STPs, resulting in direct discharge of untreated sewage into natural drains and ultimately to the Kamavari River/Creek. A copy of the visit report dtd.20/8/2025 alongwith the analysis results is annexed herewith as an **Annexure-I collectively**.

4. I say and submit that Respondent- Board has filed criminal case (No. 1133/2022) against Bhiwandi Nizampur City Municipal Corporation on 23/09/2022 before the JMFC- Bhiwandi under the provisions of Water (Prevention and Control of Pollution) Act, 1974, which is still pending. The Respondent-Board has issued various directions to the Bhiwandi Nizampur City Municipal Corporation from time to time since 2019.

5. I say and submit that there is one Textile Unit is situated in Oswal Wadi, one Textile Unit is situated at Anjur Phata and 20 Textile Units in Narpoli Area. The Respondent- Board has initiated actions against the said Textile units from time to time and directed them to provide recycle system to reuse/recycle maximum extent of treated effluent in the process and utility purpose and remaining shall be discharged into sewage system provided by the Local Body after achieving consented standards. A sample copy of the interim directions dated 25/2/2025 is annexed herewith as an **Annexure-II**.

6. I say and submit that in view of the non-compliances observed during the visit on 20/8/2025, the Respondent Board has issued proposed directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 to Bhiwandi Nizampur Municipal Corporation vide letter dated 20/08/2025. A copy of the Proposed Directions dated 20/08/2025 is annexed herewith as an **Annexure-III**.

Solemnly affirmed on this 11 day of September, 2025 at Kalyan.

For and on behalf of Maharashtra
Pollution Control Board,

Patil
11/09/2025

(Saujanya Patil)

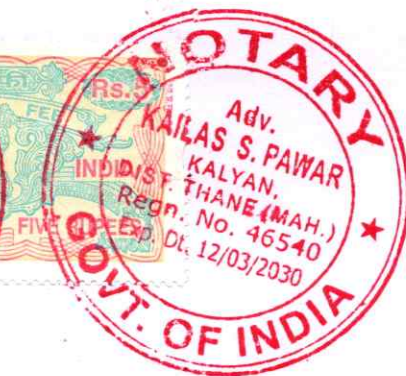
Sub Regional Officer-Bhiwandi

NOTED & REGISTERED
Sr. No.: *0930* Date: *11 SEP 2025*

BEFORE ME

[Signature]

KAILAS SAKHARAM PAWAR
ADVOCATE & NOTARY
Regn. No. 46540
Chamber No. 3, N. J. Karia House, Opp. Kalyan
Court Gate, Kalyan (W.) 421301, Dist. Thane,
Mob.: 9920312104, 8828505898.





I say and submit that in view of the non-compliance observed during the visit on 20/08/2025, the Respondent Board has issued proposed directions no. 13A of the Water Prevention & Control of Pollution Act, 1974 to Bhirwadi Nixanpur Municipal Corporation vide letter dated 20/08/2025. A copy of the Proposed Direction dated 20/08/2025 is annexed herewith

as an Annexure-III

Notarially affirmed on this 11 day of September, 2025 at Kalyan.

For and on behalf of Maharashtra Pollution Control Board.

Sub Regional Officer-Bhirwadi (Saurjanya Patil) 11/09/2025

BEFORE ME KAILAS SAKHARAM PATAWY ADVOCATE & NOTARY Bhirwadi, Dist. Kalyan. Regn. Dt. Exp. Dt. 2025

NOTED & REGISTERED Sr. No. 2930 Date 11 SEP 2025



MAHARASHTRA POLLUTION CONTROL BOARD

Tel: (0251) 2310167/2310212
 Fax: (0251) 2310192
 Website: <https://www.mpcb.gov.in>
 Email: srobhiwandi@mpcb.gov.in



"Your Service is our Duty"

Sub Regional Office, Bhiwandi
 Siddhivinayak Sankul, 3rd & 4th Floor,
 Near Oak Baug, Station Road,
 Kalyan (West) - 421 301.

VISIT REPORT

Date: 20.08.2025

Visit Date: 20.08.2025

Visit Time: 5:30 PM

A joint site inspection was conducted in the presence of the Sub-Regional Officer, Bhiwandi, accompanied by Field Officers Mrs. Dipali Chaudhari as well as Executive Engineer of Bhiwandi Municipal Corporation, Mr. Sandeep Patnawar, at Varhaladevi Lake. The visit was undertaken in connection with Original Application No. 39/2025 titled Snehal Donde vs. Bhiwandi Nizampur City Municipal Corporation & Others, currently pending before the Hon'ble National Green Tribunal, Pune.

During the inspection, the natural drains discharging into Varhaladevi Lake and the adjoining areas were examined.

The water in the lake appeared green in colour, and the pH level was recorded in the range of 6–7. At that time, representatives of the Municipal Corporation and field Officer Dipali Chaudhari collected water samples from the central portion of the lake using a boat.

"Water samples were collected from various locations in the vicinity of Varhaladevi Lake as detailed below:"

There are three natural nallas through which water directly enters the Varhaladevi Lake:

1. Nalla near Commissioner Bungalow (BNCCMC area):

"This natural drain (nalla) carries a continuous flow of water into the Varhaladevi Lake. During observation, the water appeared colourless, and the pH measured with pH paper was found to be in the range of 6–7. Water samples were collected from this drain, which is located adjacent to the bungalow of the Hon'ble Commissioner. The drain carries domestic wastewater from BNCCMC areas along with domestic discharges from Masarovar Society, which ultimately flow into the Varhaladevi Lake."

2. Nalla from Fenepada (BNCCMC area):

This is natural water drain and Shows full flow of water and discharges directly into Varhaladevi Lake. The pH of the water, checked with pH paper, was observed to be in the range of 6 to 7. The water in this drain appeared colourless during observation.



3. Nalla from Fenegaon (BNCMC area):

"This is a natural water drain; however, it carries domestic wastewater from the BNCMC area. The nalla shows continuous flow and discharges directly into the Varhaladevi Lake. The pH of the water, checked with pH paper, was observed to be in the range of 6-7 and the water appeared colourless during observation."

"Water samples were also collected from the overflow of Varhaladevi Lake, the discharge from which ultimately joins the Kamavari River/Creek." The overflow water is observed to be light green in color, with pH in the range of 6 to 7".

Observation on Sewage Treatment Plants (STPs) of BNCMC Presently, two STPs are in operation under BNCMC jurisdiction:

1. STP Katai-1 (Capacity: 13 MLD)
Status: Operational
2. STP Katai-2 (17 MLD capacity):
Status: Not operational and permanently closed. The plant has been dismantled and shut down permanently due to outdated technology, as informed by the Corporation representative.
3. STP Idgah (30 MLD capacity):
Status: Operational, verified during today's visit.

Overall Status: Total sewage generation in BNCMC area: 90 MLD. Total sewage being treated: 43 MLD, Balance sewage (~47 MLD) is discharged into Kamavari River/Creek through various drains without treatment.

It is also observed that BNCMC has not connected the underground drainage network to the existing STPs, resulting in direct discharge of untreated sewage into natural drains and ultimately to the Kamavari River/ creek.

"Photographs with geo-coordinates (latitude and longitude) have been captured at various locations for reference."

(Dipali Chaudhari)
Field Officer,
MPC Board, Bhiwandi

(S.S. Patil)
Sub Regional Officer,
MPC Board, Bhiwandi

(Sandeep Patnawar)
Executive Engineer

Bhiwandi Nizampur City Municipal Corporation

O.A. No.39/2025 filed by Dr.Snehal Dhonde v/s BNCMC and Ors.

Sr. No.	Parameters	A – II (Public water supply with approved treatment equal to coagulation, sedimentation & disinfection.)	Unit	20.08.2025	20.08.2025	20.08.2025	20.08.2025	20.08.2025
				Central portion of the Varhala Devi lake	Varhala Devi Lake Overflow near Chandanbaug	Nalla from Fenegaon (BNCMC area)	Nalla from Fenepada (BNCMC area)	Nalla near Commissioner Bungalow (BNCMC area)
1	pH@25 degree C	6.5 to 8.5		8	8.1	7.4	7.9	7.4
2	Conductivity		microsiemens/cm (us/cm)	245.5	243.7	378.9	352.5	386.6
3	Suspended Solids (SS) @105 degree C	-	mg/l	56	48	20	24	18
4	Turbidity		NTU	35.9	46.8	2.18	1.13	0.99
5	Biochemical Oxygen Demand (BOD) 3 days at 27 degree C	5.0 mg/l (Monthly average of atleast 10 samples)	mg/l	27	26	17	14	15
6	Chloride	600 mg/l	mg/l	26.99	25.99	28.49	12.5	18.49
7	Chemical Oxygen Demand (COD)	-	mg/l	68	60	44	32	36
8	Dissolved Oxygen	4.0 mg/l	mg/l	3.9	3.7	4.3	4.5	4.4
9	Hardness (calcium)		mg/l	50	52	90	110	108
10	Hardness (total)	-	mg/l	82	86	124	150	156
11	Hardness (Magnesium)		mg/l	32	34	34	40	48
12	Total Dissolved Solids(TDS)	-	mg/l	214	212	321	296	330
13	Total Alkalinity		mg/l	86	86	128	122	122
14	Ammonical Nitrogen		mg/l	0.13	0.18	2.93	0.32	0.14
15	Nitrate Nitrogen	45 mg/l	mg/l	0.32	0.3	1.49	0.85	2.2
16	Phosphate (total)		mg/l	0.32	0.27	0.7	0.32	0.03
17	Sulphate	400 mg/l	mg/l	19.06	18.77	23.91	36.84	38.4
18	Faecal Coliform (MPN technique)		MPN/100 ml	350	350	240	220	280
19	Total Coliform (MPN technique)		MPN/100 ml	1600	430	920	540	920
20	Nitrite Nitrogen		mg/l	BDL	BDL	0.31	0.08	0.07





O.A. No.38/2022 filed by the Special Director V/S BMCNC and O.S.

Sl. No.	Particulars	Unit	30.06.2022	30.08.2022	30.08.2022	30.08.2022	30.08.2022
1	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
2	Electricity	unit	1000	1000	1000	1000	1000
3	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
4	Electricity	unit	1000	1000	1000	1000	1000
5	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
6	Electricity	unit	1000	1000	1000	1000	1000
7	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
8	Electricity	unit	1000	1000	1000	1000	1000
9	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
10	Electricity	unit	1000	1000	1000	1000	1000
11	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
12	Electricity	unit	1000	1000	1000	1000	1000
13	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
14	Electricity	unit	1000	1000	1000	1000	1000
15	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
16	Electricity	unit	1000	1000	1000	1000	1000
17	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
18	Electricity	unit	1000	1000	1000	1000	1000
19	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
20	Electricity	unit	1000	1000	1000	1000	1000
21	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
22	Electricity	unit	1000	1000	1000	1000	1000
23	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
24	Electricity	unit	1000	1000	1000	1000	1000
25	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
26	Electricity	unit	1000	1000	1000	1000	1000
27	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
28	Electricity	unit	1000	1000	1000	1000	1000
29	Water supply with approved treatment plant (regulation & disinfection)	litre	1000	1000	1000	1000	1000
30	Electricity	unit	1000	1000	1000	1000	1000



MAHARASHTRA POLLUTION CONTROL BOARD REGIONAL OFFICE, KALYAN

Tel: (0251) 2310167/2310212

Fax: (0251) 2310192

Website: <http://mpcb.gov.in>

E-mail: rokalyan@mpcb.gov.in



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Siddhivinayak Sankul,
3rd Floor, Near Oak Baug,
Station Road,
Kalyan (West) – 421 301.

No.MPCB/ROK/SROB/ID/TB-250225001

Date: 25/02/2025

To,
M/s. Balaji Polyester Pvt. Ltd.,
H. No. 1226, Kamatghar, Narpoli,
Tal- Bhiwandi, Dist.- Thane.



Sub: Interim Directions under section 33A of the Water (Prevention & Control of Pollution) Act 1974 & under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

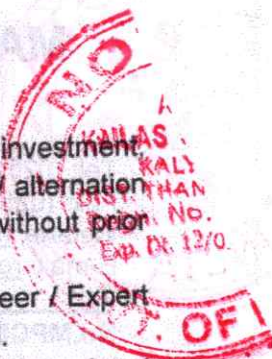
- Ref:**
- 1) Consent granted by the Board.
 - 2) Complaint of Vanshakti (NGO) regarding increasing water pollution of Kamavari River.
 - 3) Non-compliance issued by SRO Bhiwandi on 09/09/2024.
 - 4) Show Cause Notice issued by the Board vide dtd.12/11/2024.
 - 5) Personal Hearing extended on 13/02/2025.

This refers to the Directions issued by Board and personal hearing extended to you on dtd. 13/02/2025. Non-compliances with respect to the consent conditions were discussed. Considering your assurance made during the course of hearing, following directions are issued for immediate compliances.

- 1) You shall install Reverse Osmosis (RO) system as advance wastewater treatment, provide DAF system or colour removal system within 60 days.
- 2) You shall provide recycle system to reuse/recycle maximum extent of treated effluent in process and utilities purpose within 60 days and remaining shall be discharge into sewerage system provided by local body, after achieving consented standards.
- 3) RO reject or any type of effluent shall not find its way to local drain or for gardening / outside factory premises.
- 4) You shall provide flow meter and pH meter at inlet and outlet of Effluent Treatment Plant (ETP) and water metering system within 45 days.
- 5) You shall Operate & Maintain Water Pollution Control System (WPCs) continuously and effectively so as to achieve consented standard
- 6) You shall Operate & Maintain Air Pollution Control System (APCs) continuously and effectively so as to achieve consented standard.
- 7) You shall not use unconsented fuel in Boiler / Thermic Fluid Heater as well as not to change fuel pattern without prior permission of the Board. Use of any scrap material as fuel is not permitted.
- 8) You shall dispose off hazardous waste to CHWTSDF within 90 days and submit through online portal of hazardous waste manifest.

MHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KALYAN

- 9) You shall not take any effective steps towards additional investment modernization/upgradation/additional machinery or construction, modification/ alternation of manufacturing process and expansion in production consented quantity without prior permission of the MPC Board.
- 10) You shall create an Environment Cell by appointing an Environmental Engineer / Expert for looking after day-to-day activities related to Environment / Pollution control.
- 11) In case failure of any pollution control system, you shall voluntarily suspend the related manufacturing activity and report to the Board, immediately.



In case of your failure to comply with the above direction, Board will proceed against you as per the provisions of the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981, Which may please be noted.

Dr. R. A. Rajput
Regional Officer, Kalyan

Copy submitted for information to:
Regional Officer (BMW), MPC Board, Sion Mumbai.

Copy to:

- 1) Sub-Regional Officer, MPC Board, Bhivandi – You shall carryout regularly monitoring of industry & submit report w.r.t. Consent Condition/Direction/Bank Guarantee and their compliance.
- 2) Master file.



MAHARASHTRA POLLUTION CONTROL BOARD REGIONAL OFFICE-KALYAN

Tel. No. (0251) 2310167/2310212

Fax No. (0251) 2310192

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E-mail: rokalyan@mpcb.gov.in



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Siddhivinayak Sankul,
3rd Floor, Near Oak Baug,
Station Road,
Kalyan (West)-421 301.

No. MPCB/PD/ 2508200001

Date :- 20/08/2025

To,
The Municipal Commissioner,
Bhiwandi Nizampur City Municipal Corporation,
Bhiwandi, Dist. Thane



Sub : Proposed Directions u/s 33A of Water (Prevention and Control of Pollution) Act, 1974.

- Ref :**
- 1) Consent to Establish granted by Board vide dtd. 4/6/2022 & 6/6/2025.
 - 2) Complaint received of discharging sewage into river.
 - 3) LES sample collected on 28/05/2025.
 - 4) Visit to the BNCCM STP site dtd. 20/08/2025.
 - 5) Proposal submitted by Sub-Regional Office, Bhiwandi vide No. 200825004.

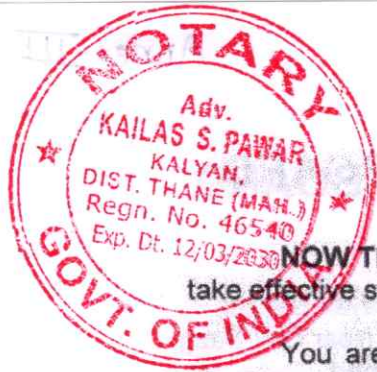
WHEREAS, the Maharashtra Pollution Control Board has granted Consent to Establish u/s 25 of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981 & Authorization under Rule 6 of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016 on 06/06/2025, subject to certain terms and conditions.

AND WHEREAS, Board officials has visited the BNCCM STP and Lake for complaint investigation and checking compliance of Consent conditions. SRO, Bhiwandi have submitted proposal for legal action due to following non-compliances

- 1) You have not provided total an adequate underground drainage system and STP in catchment area of Varhaldevi lake. Due to which domestic sewage generated from that area finds its way into lake through local nalla.
- 2) You have not obtained consent to operate for 30 MLD at Katai 1, 29 MLD Bakra Bazar and 31 MLD Stepping Garden, Bhiwandi.
- 3) You have not obtained consent to establish for 17 MLD STP at Katai 2.
- 4) You are not operating sewage treatment plant (STP) at Katai 2, Bakra Bazar and Stepping Garden.
- 5) You are discharging untreated sewage into Kamavari river and Varhaldevi lake.
- 6) You have not provided an adequate underground sewerage system and not connected drainage line to sewage treatment plants.
- 7) Law evidence sample collected on 28/05/2025, which reveals that the parameters like BOD, COD, SS, Fecal Coliform and Total Coliform are exceeding the limit prescribed by the Board in the Consent.

AND WHEREAS, you are partially treating about 13 MLD sewage out of total sewage generation 90 MLD and remaining untreated sewage is being discharged into saline zone of Kamvari river, Ulhas creek stretch and partially into Varhaldevi lake.

AND WHEREAS, after repeated follow up you have failed to provide an adequate STP and treat entire sewage generated from Corporation area.



: 2 :

NOW THEREFORE, in view of the above non-compliance, you are hereby directed to take effective steps to avoid river water pollution.

You are directed to submit your reply / say within 7 days from issuance of these directions, failing which, MPCB will initiate legal action against your Corporation without giving any further notice in accordance with the provisions of the Water (Prevention & Control of Pollution) Act, 1974, which please note.

(Signature)
(J. S. Hajare)
Regional Officer, Kalyan

Copy submitted to:-
Regional Officer (BMW), MPC Board, Mumbai – for information.

Copy to:
Sub-Regional Officer, M.P.C. Board, Bhiwandi :- It is directed to serve the copy to concern and take follow up, ensure the compliance of the aforesaid directions.