

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, BENCH, PUNE**

Original Application No.218/2024(WZ)

Dr.Snehal Donde

--- Applicant

Vs

State of Maharashtra & Ors

---Respondent(s)



Affidavit on behalf of Respondent No.5 -Maharashtra Pollution Control Board.

I, Jayant A. Kadam, Age-56 years , Occupation -Service , the Sub Regional Officer of the Maharashtra Pollution Control Board at Kalyan-II , having my office address at Siddhivinayak Sankul, 3rd 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.5 i.e. Maharashtra Pollution Control Board in compliance of the Order dated 12/11/2024 passed by this Hon'ble NGT.
2. The instant application is filed against concretization of riverbed of Waldhuni river in front of Ambernath Shiv Temple, Dist-Thane, which is carried out in the name of beautification of the temple, and it is alleged that the same is causing loss to the river biodiversity and complete environment at large.





3. I say and submit that one complainant namely Adv Sarita Khanchandani has filed a complaint bearing Case No.2417/13/30/2024 against the Director General, Archeological Survey of India & Ors before the Maharashtra State Human Rights Commission, Mumbai regarding de-concretization of bed and bank of Waldhuni river at ancient Shiv Mandir and Govind-pul sites at Ambernath. I say and submit that the Respondent No.4-Ambernath Municipal Council (AMC) has convened a meeting with the officials of various Departments and stakeholders on 19/6/2024 to review and assess the development of premises of the ancient Shiv Temple in Ambernath Municipal Council area. During the meeting, the Respondent No.4-Ambernath Municipal Council (AMC) informed that the provision for ETP is already incorporated in the project and the water will be released in Waldhuni river only after proper treatment. The Official of the Minor Irrigation Department informed that Waldhuni is neither notified as a river nor it is on the toposheet of Survey of India. The official of the Archaeological Department informed that NOCs are issued for repair works in the prohibited area and construction works in regulated area as per the proposal given by the Respondent No.4-AMC. The said matter is pending before the Maharashtra State Human Rights Commission, Mumbai. A copy of the Minutes of the Meeting held on 19/6/2024 is annexed herewith as an **Annexure-I.**



4. I say and submit that in order to verify the present status, the Officials of the Respondent Board at Kalyan visited the site of Waldhuni river near Shiv Temple at Ambernath alongwith Official of Ambernath Municipal Council(AMC) on 2/1/2025 and observed as under :-

- i. The stretch of Waldhuni river near Shiv Mandir found concretized river bed.
- ii. The representative of AMC informed that work of river bed concretization has carried out in the year 2010-2011.
- iii. The closed RCC Pipe is provided for sewage in river bed at the said location.
- iv. During visit, construction work of beautification / ghat found in progress.
- v. AMC representative has informed that the construction work of ghat / beautification has started since last one year.
- vi. During visit no river flow observed in river bed concreted area of Waldhuni river at the said location.
- vii. Respondent No.4-Ambernath Municipal Council (AMC) reported that In the year 2010, the work of river bed concretization around 20% and laying of RCC drainage pipe is completed. The work related to beautification / construction of Ghat has started since last one year and work is about 80% in Phase-II is in progress.





A copy of the visit report dtd.2/1/2025 alongwith the typed copy of the same and photographs is annexed herewith as an **Annexure-II collectively.**

5. I say and submit that the concretization of river bed of Waldhuni river in front of Shiv Temple and beautification of the said temple does not falls under the purview of the Maharashtra Pollution Control Board.

Solemnly affirmed on this 7th day of Jan.,2025 at Kalyan

For and on behalf of Maharashtra Pollution Control Board.

(Signature)
(Jayant A. Kadam)

Sub Regional Officer-Kalyan-II



ATTESTED BY ME

Pratikha
7/1/25

PRATIBHA C. SATHE
Advocate & Notary
GOVT. OF INDIA
Reg. No. 16076

07 JAN 2025

ANNEXURE - I

Minutes of Meeting
Development of the Premises of the Ancient Shiv Temple, at Ambernath, District Thane,
Maharashtra
(Centrally Protected Monument under the AMASR act)

Agenda : To review and assess development of premises of an ancient Shiv Temple in the Ambernath Municipal Council Area w.r.t. summon of registrar, Maharashtra State Human Rights Commission. Mumbai KKT/case no 2417/13/30/2024/2403

A joint site inspection was conducted followed by a review meeting regarding development of the premises of the ancient shiv temple at Ambernath was held at the office of Chief Officer, Ambernath Municipal Council Ambernath on Wednesday, 19th June 2024.

Following officers and Stakeholders were present for the meeting.

Sr No	Name	Designation	Office
1	Smt. T Sreelakshmi	Regional Director (West)	Archeological Survey of India
2	Dr. Prashant Rasal	Administrator & Chief Officer	Ambernath Municipal Council
3	Smt Prashanti Mane	Tehsildar	Ambernath Dist Thane
4	Shri. Abhishek Paradkar	Additional Chief Officer	Ambernath Municipal Council
5	Shri Ashok Bhagat	Senior Police Inspector	Shivajinagar Police Station
6	Shri. Shravan Kumar	Superintending Engineer	Archeological Survey of India
7	Shri. Babasaheb Kukade	Regional Officer	Maharashtra Pollution Control Board
8	Shri. Kiran Bodke	Deputy Engineer	Irrigation department
9	Smt. Manisha Bhagare	Technical Officer	Groundwater Surveys and Development Agency (GSDA)
10	Shri. Upendra Tomar	ASAC	Archeological Survey of India
11	Shri. Pankaj Kumar	SSA	Archeological Survey of India
12	Shri. Vivek Gautam	Town Planner	Ambernath Municipal Council
13	Shri. Sanjay Kumbhar	City Engineer	Ambernath Municipal Council
14	Shri. K N Shinde	CA	ASI - Vasai Sub Circle

1. Officials of the Ambernath Municipal Council greeted and felicitated visiting officers from various departments and other stakeholders.

2. Ambernath Municipal Council : Dr. Prashant Rasal, Administrator and Chief Officer

Dr. Prashant Rasal Administrator & Chief Officer made a brief presentation about the

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NO. 10 LAC
10.10.2018
10.10.2018

He further added that the Waldhuni nala bed being rocky PCC (Plain Cement Concrete) was done to facilitate the free flow of the water and sediments, to maintain cleanliness of Waldhuni nala and in view of the health and hygiene of devotees. This was done only for a small patch of around 300 meters, in last decade.

It was necessary to remove the silt from the Waldhuni bed to prevent the flooding situation in the temple premises and vicinity area. During the removal of the silt the existing PCC in the bed was damaged at many places. The same was repaired by the council whenever required.

3. Maharashtra Pollution Control Board Shri Babasaheb Kukade Regional Officer MPCB

Shri Babasaheb Kukade conveyed his observations and mentioned that MPCB takes samples at regular interval. Shri. Babasaheb Kukade conveyed that domestic effluent of local bodies needs to be treated. He further conveyed that there is no harmful chemical discharge from local industrial units in Waldhuni from last month and industrial discharge is being diverted to the creek through dedicated pipeline.

Further he stated there is no aquatic life at present and concretization of the bed has no major impact in any way for the same.

Dr. Prashant Rasal, Administrator & Chief Officer conveyed that NOC is given by MPCB and the provision for ETP (Effluent Sewage Treatment Plant) is already incorporated in the project. Further it was conveyed that water will be released in Waldhuni only after proper treatment.

4. Minor Irrigation Department : Shri. Kiran Bodke – Deputy Engineer

Shri. Kiran Bodke – Deputy Engineer conveyed that Waldhuni is neither notified as a river nor it is on the toposheet of Survey of India. (Copy attached). He further conveyed that Irrigation department does not give any NOC for the project and it is the discretion of the local body.

5. Groundwater Surveys and Development Agency (GSDA) – Smt. Manisha Bhangare Technical Officer

The impact of the concretization on the ground water / water table was discussed.

It was conveyed by Smt Manisha Bhangare - Technical Officer GSDA based on the observations the concretization has not affected existing ground water table. Smt T Sreelakshmi, Regional Director (West), Archeological survey of India, expressed her concern that presence of the pollutants in air and water will be a more serious issue that is affecting the temple structure primarily on the side facing the Waldhuni.

Dr. Prashant Rasal Administrator & Chief Officer Ambarnath informed that to address the issue of presence of the pollutants in water ETP (Effluent Sewage Treatment Plant) has already been incorporated in the proposed project.



Further it was suggested by GSDA that ground water recharge methods like recharge shafts would help to rejuvenate water tables during rain water devoid of any pollutants. However this needs to be done very carefully and precisely so that it does not affect the temple structure through vibrations.

6. Police department : Shri. Ashok Bhagat, Senior Police Inspector, Shivajinagar Police Station, Ambarnath

Shri. Ashok Bhagat Sr PI suggested that the provision for police chowky and mobile toilets would be of much helpful in crowd management during festival time and other occasions. He also suggested for a separate entry and exit pathways (pedestal bridge) to the temple for managing the crowd and to avoid stampede or overcrowding due to bottlenecks.

Dr. Prashant Rasal, Administrator & Chief Officer acknowledged the point and has agreed to incorporate the same.

7. Tehsildar Ambarnath Dist. Thane, Smt. Prashanti Mane

She conveyed that it has been observed there are no recent incidents of loss of life and property and also there is no encroachment in the waldhuni in vicinity of the temple.

8. Archeological Survey of India : Smt Sreelakshmi, Regional Director (West), ASI

RD, ASI explained and emphasized the importance of the Shiv temple as an ancient monument.

She informed that NOC s are issued for repair works in the prohibited area and construction works in regulated area as per the proposal given by Ambarnath Municipal Council in view of public utility. It was conveyed that disintegration of the rocks of temple is observed, primarily on the side facing the Waldhuni. The opposite side is less affected. Preservation and consolidation of the sculptures were carried out by ASI in this regard. However she has expressed concerns over the impact of the polluted water on the structure of Ambarnath Shiv temple.

Photographs of around 2005-06 were shown and it was agreed by all the technical experts that the river bed was rocky from the beginning. Therefore the percolation and absorption of water was feeble and even if there is percolation it will lead to pollution of the ground water which may harm the monument.

Also it was agreed by all that some similar case studies could be referred.

Dr. Prashant Rasal, Administrator & Chief Officer AMC expressed vote of thanks and meeting was concluded.



Sr No	Name	Designation	Office	Sign
1	Smt. T Sreelakshmi	Regional Director (West)	Archeological Survey of India	<i>T. Sreelakshmi</i> 19/6/24
2	Dr. Prashant Rasal	Administrator & Chief Officer	Ambernath Municipal Council	<i>Prasal</i>
3	Smt Prashanti Mane	Tehsildar	Ambernath Dist Thane	<i>Point no. 7 in many</i> <i>copy</i>
4	Shri. Abhishek Paradkar	Additional Chief Officer	Ambernath Municipal Council	<i>Abhishek Paradkar</i>
5	Shri Ashok Bhagat	Senior Police Inspector	Shivajinagar Police Station	<i>Ashok Bhagat</i> 20/6
6	Shri. Shravan Kumar	Superintending Engineer	Archeological Survey of India	<i>Shravan Kumar</i>
7	Shri. Babasaheb Kukade	Regional Officer	Maharashtra Pollution Control Board	<i>Babasaheb Kukade</i>
8	Shri. Kiran Bodke	Deputy Engineer	Irrigation department	<i>Kiran Bodke</i>
9	Smt. Manisha Bhagare	Technical Officer	Groundwater Surveys and Development Agency (GSDA)	<i>Manisha Bhagare</i>
10	Shri. Upendra Tomar	ASAC	Archeological Survey of India	<i>Upendra Tomar</i>
11	Shri. Pankaj Kumar	SSA	Archeological Survey of India	<i>Pankaj Kumar</i>
12	Shri. Vivek Gautam	Town Planner	Ambernath Municipal Council	<i>Vivek Gautam</i>
13	Shri. Sanjay Kumbhar	City Engineer	Ambernath Municipal Council	<i>Sanjay Kumbhar</i>
14	Shri. K N Shinde	CA	ASI - Vasai Sub Circle	<i>K N Shinde</i>



Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

Visit Report

General Information

IMIS ID : MPCB-UNCONSENTED-0000032627

Industry Name : Ambemath Municipal Council

Address : Ambemath Municipal Council

Pincode : 421501

Category : Red (SSI)

Email :

Phone :

Visit Scheduled On : 02/01/2025

Last date of visit : 03/01/2025

Visited by : Shri Gajanan Pawar(FO-Kalyan II)



Visited On

Visited Industry on : 02/01/2025

Email Address of Unit : chiefofficerambemath@gmail.com

Telephone Number of Unit : 8308807554

Siting Criteria

Siting Criteria : No

Location

Notified Industrial area : No

Detail : Local body

Planning Authority : Local body

Visit For

Visit For : Unconsented

Previous Consent Detail

Consent UAN No.	Date	Validity	Capital Investment	Verified By
NA			0	NA

Environment Clearance

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Is EC Applicable : No

Production Details

Product Name	Quantity(As consent)	Unit(As consent)	Quantity(Actual)	Unit(Actual)	Operational Issue
NA	0	--NA--	0	--NA--	No

Waste Water Management

Source of water :
 1) Surface
 Surface Detail : Ambenrath Municipal Council
 Authority Permission : Ambenrath Municipal

Deviation In:

Water Consumption : No	Detail : -
Effluent : No	Detail : -
Sewage : No	Detail : -

Whether Industrial effluent generated : No

Whether Domestical effluent generated : No

		Industrial		Domestic	Gardening
		Process	Cooling		
Generation in m3/day	As per consent				0
	Actual				0

Treatment System

	Industrial	Domestic
Primary :		
Secondary :		
Tertiary :		
Advanced :		

JVS sample collection (Water)

JVS sample collected for Water : No

Detail : ---

Previous JVS Records (Water)

Unique Id	Barcode Number	Sample Type	Sample Subtype	Payment Status	COA Generated
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Air Pollution Aspect

1) Details of emission : No

#	Source	Fuel Name	Fuel Qty	Control Equipment Installed	Stack Height(mtrs)	Operational Issue
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Record not found.

2) Differential in existing source of emission : No

JVS sample collection (Air)

JVS sample collected for Air : No

Detail : --

Previous JVS Records (AIR)

Sr. No.	Unique Id	Barcode Number	Sample Type	Sample Subtype	Payment Status	COA Generated
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Hazardous Waste Generation

Difference in exiting waste generation : No

Non Hazardous Waste Generation

Difference in exiting waste generation : No

Any specific Conditions

	Condition	Compliance
Consent		
Directions		
Environment Clearance		
Any NGT / Court order		



Bank Guarantee

BG Imposed :

Remark

#	Statutory Submissions	Financial Year	Within Time	Whether any deviation waste generation & disposal (less/ more)
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Record not found.

Penal Charges

Penal Charges : No

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OCEMS

Is Mandatory : Not Mandatory

Detail :

Connected to MPCB server : No

Detail : --

Green Coverage

Green Coverage : No

Detail : --

Any Specific Observation

Any Specific Observation : Visited Waldhuni River near Shiv Temple Ambarnath along with Shri. Sunil Jadhav, Deputy Eng. (Water supply) of Ambarnath Municipal Council on 02.01.2025. During visit following observations are made- 1. The stretch of Waldhuni River near Shiv Mandir found concretized. 2. The representative informed that work of river bed concretization has carried out in the year 2010. 3. The closed RCC pipe is provided for sewage in river bed at said location. 4. During visit construction work of beautification/Ghat found in progress. 5. AMC representative has informed that the construction work of ghat / beautification has started since last one year. 6. During visit no river flow observed in river bed concreted area of Waldhuni river at said location. 7. It is reported that in the year 2010 the work of river bed concretization around 20 % and laying of RCC drainage pipe completed. The work related to beautification /construction at ghat has started since last one year and work is about 80% in Phase-II.

Previous legal action detail

Record not found.

Whether unit complied

Whether unit complied : Yes

Sunil Jadhav

(Sunil Jadhav)
Deputy Engineer
Ambarnath Municipal
Council.

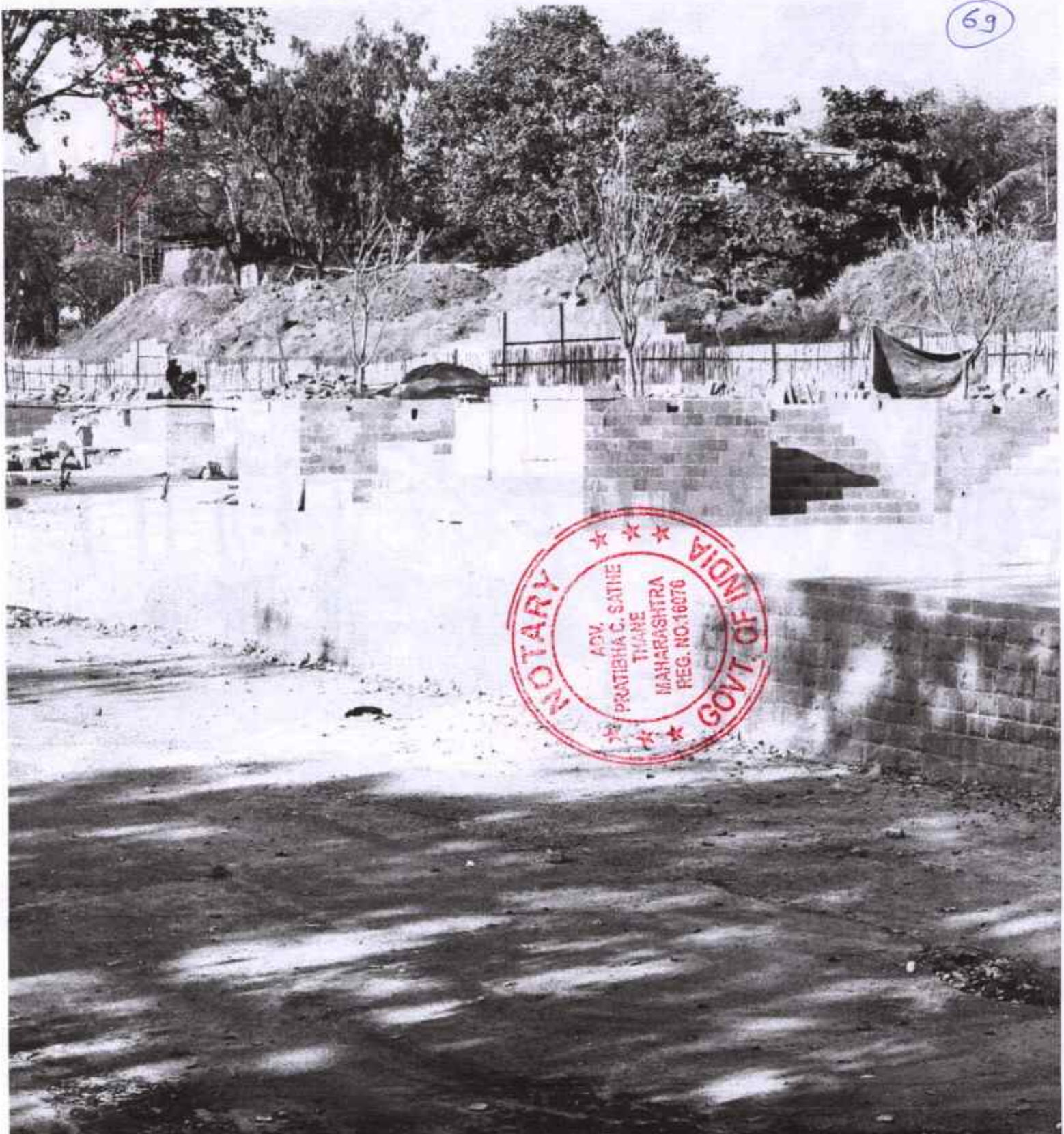
Gajanan Pawar

(Gajanan Pawar)
Field Officer
Kalyan - II

Jayant A. Kadam

(Jayant A. Kadam)





GPS Map Camera

Ulhasnagar, Maharashtra, India

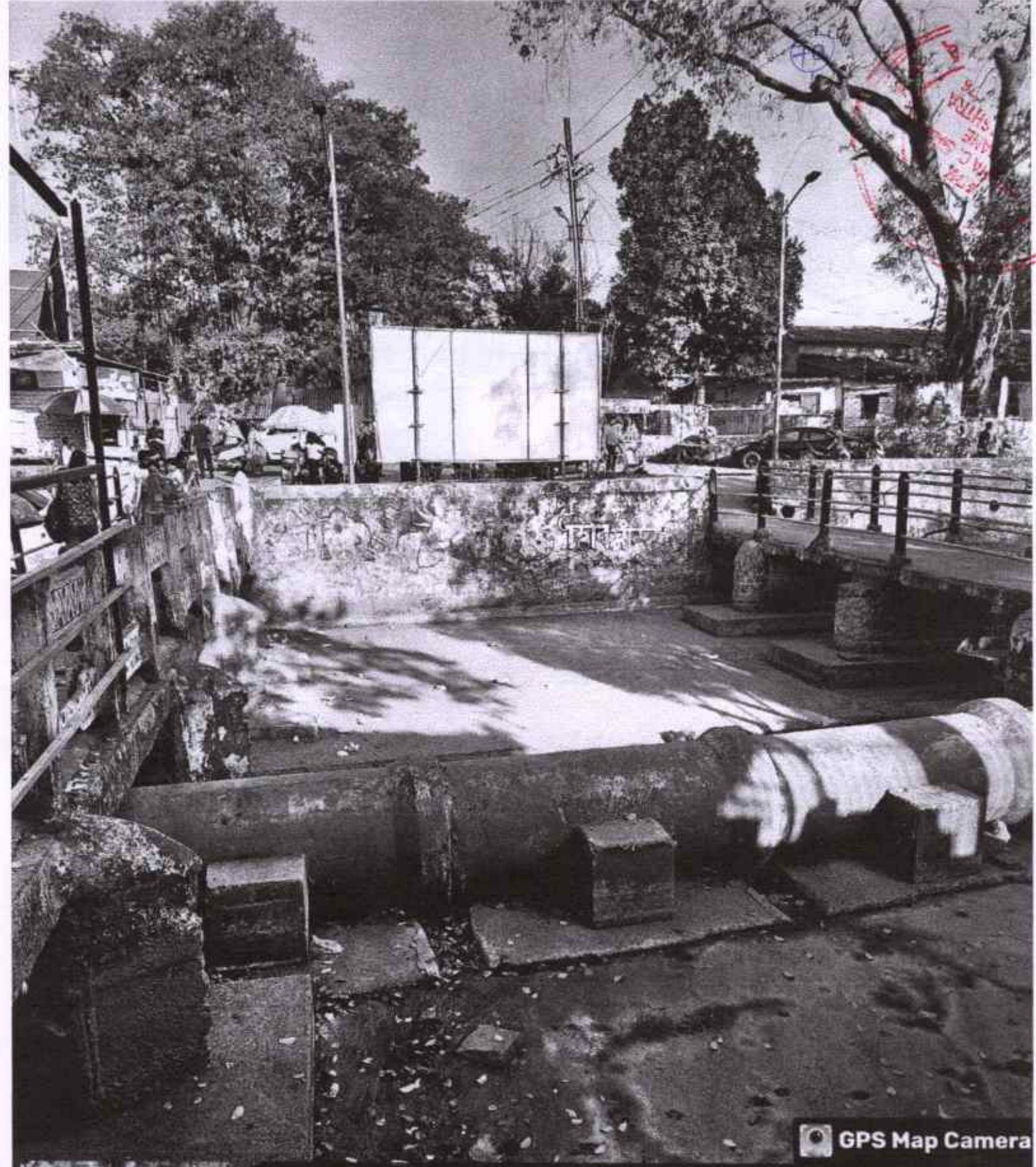
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Lat 19.198965° Long 73.176928°

02/01/25 04:14 PM GMT +05:30



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GPS Map Camera

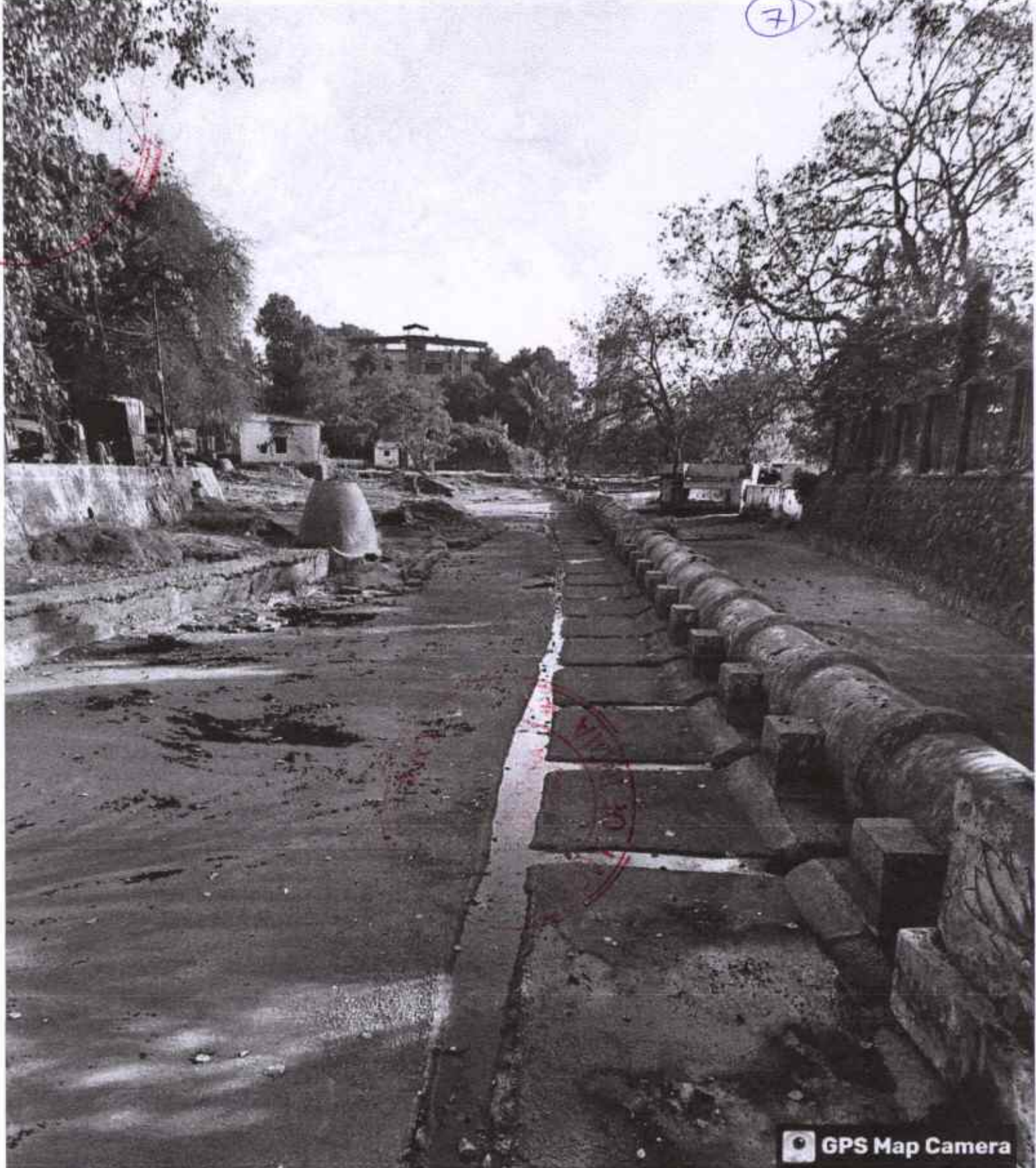
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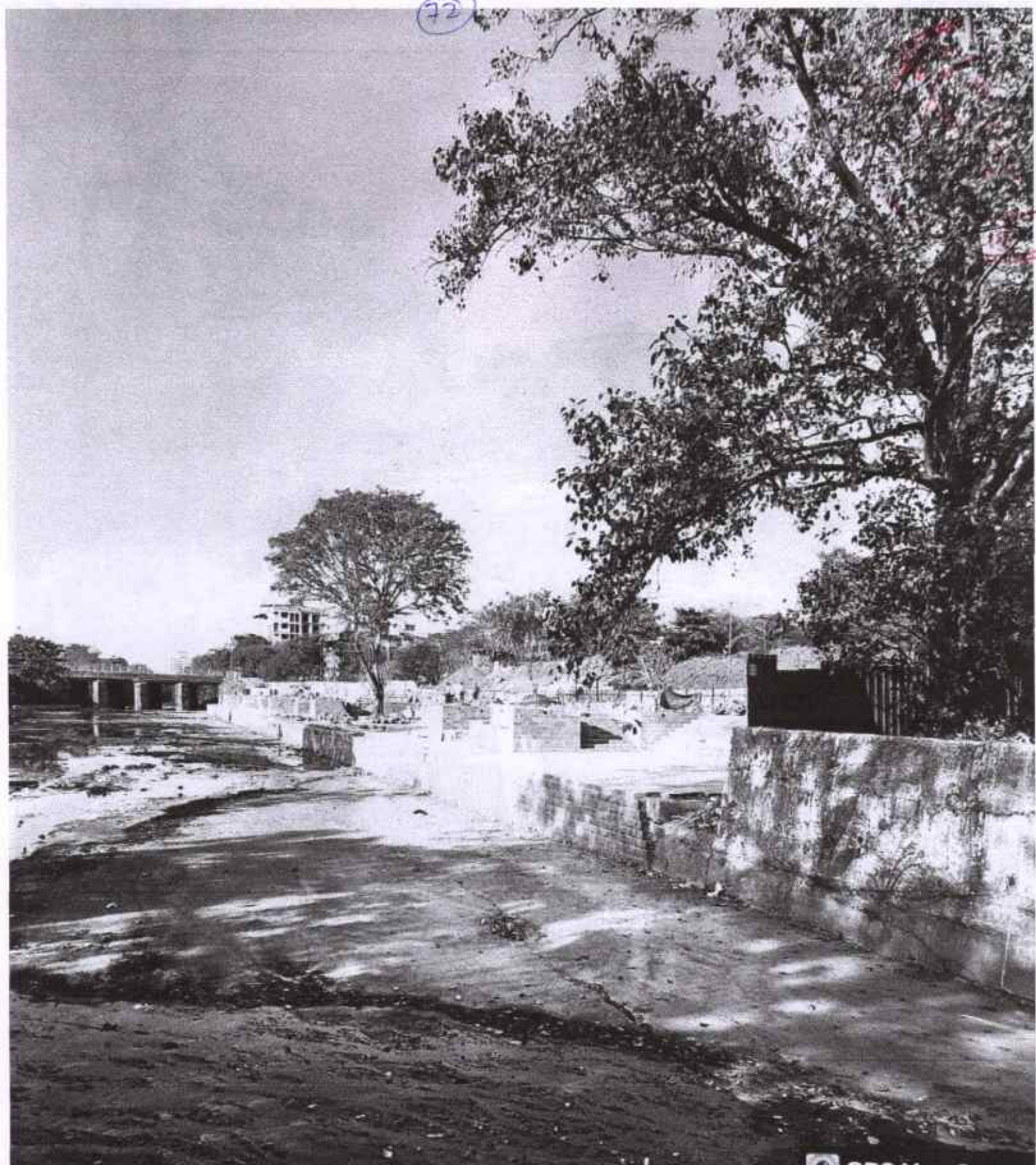
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Lat 19.19897° Long 73.176976°

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