

IN THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH,

PUNE

ORIGINAL APPLICATION NO. 39 OF 2025

Dr. Snehal Donde & Anr

... Applicants

Versus

Bhiwandi Nizampur Municipal Corporation & Ors ... Respondents

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AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPLICANTS

I, Dr (Mrs) Snehal Subhash Donde, Indian adult, residing at 19C/603, New Dindoshi Garden Hill Society, New MHADA Colony, Film City Road, Dindoshi, Goregaon (East), Mumbai, do hereby solemnly affirm and state as under:

1. I say that I have read and am familiar with the contents of the affidavit of the Respondent No.1 dated 18.09.2025.I deny and dispute all statements, submissions and contentions made by the Respondent No. 1 in its Affidavit in Reply dated 18.09.2025 except those expressly admitted herein.
2. At the outset, the Affidavit in Reply filed by Respondent No. 1 is evasive, incomplete and fails to disclose material facts which are critical for adjudication of the present Original Application. The Respondent Corporation has deliberately withheld the crucial fact that the Maharashtra



Pollution Control Board has already issued serious findings, observations and directions against it on 25.02.2025 it in its Affidavit dated 21.09.2025 and the inspection report dated 20.08.2025, annexed as Annexures I, II and III thereto. These documents clearly show continuing discharge of untreated sewage into the Varal Devi Lake and Kamvari River, non-functional STPs, and direct drains carrying sewage into the lake. However, the Respondent Corporation has chosen not to deal with or even acknowledge these findings.

3. The Respondent No. 1 has stated at para 4 (p. 375–379 of its affidavit) that the Varal Devi Lake does not suffer from non-preservation or non-conservation and claims that the lake is in a “mesotrophic” state. These statements are wholly misleading and contrary to record. The MPCB inspection report dated 20.08.2025 is annexed to the affidavit of Respondent No. 3 and demonstrates that 47MLD of sewage is discharged in Kamvari River/Creek directly through various drains without treatment and that the Respondent No. 1 had not connected the underground drainage network to the existing STPs, resulting in direct discharge of untreated sewage into natural drains and ultimately to the Kamvari River/creek.

4. The Respondent No. 1 has not disclosed that MPCB has specifically recorded that three natural drains, carrying domestic sewage, discharge directly into Varal Devi Lake. This fact is found at page 2 of the MPCB



affidavit, para 3(1), 3(2), 3(3) (pp. 2–3). The Respondent Corporation has completely suppressed these findings and has not denied the discharge of untreated sewage in the lake. The failure to acknowledge or rebut these findings constitutes deliberate suppression of material facts.

5. The Respondent Corporation has failed to deal with these adverse observation.

6. The Respondent No. 1 has stated at para 6 (p. 386 of its affidavit) that water from the Varal Devi Lake is treated by a “fully functional” 5 MLD Water Treatment Plant and that there are no complaints regarding water quality. This statement is demonstrably false. The Respondent Corporation has not dealt with the water quality reports annexed by the Applicants in the OA which show presence of E. coli, leptospira and extremely low dissolved oxygen levels. The Respondent Corporation has also not disclosed or addressed the MPCB's analysed parameters (Inspection Report Table, Annexure-I, p. 7–9) which show extremely high BOD, COD, and nutrient loading in the inflow drains entering the lake.

7. The Respondent No. 1 has not addressed the microbial and metagenomics reports annexed by the Applicants (Annexure A-9 in the OA) which show pathogenic contamination including E. coli and leptospira. These findings directly contradict the Respondent's claim that the lake water is being



adequately treated and poses no risk to health. The Respondent remains silent on these critical documents.

8. The Respondent No. 1 has relied heavily on the so-called DPR and NPCA proposal. However, at para 4 and the accompanying pages (p. 379–383 of the affidavit) it is admitted that the DPR remains pending consideration and that no actual physical work has commenced. The existence of a DPR does not address or cure the present illegal discharge of untreated sewage into the lake. It is further submitted that the DPR itself records that the STPs are in a dilapidated condition and acknowledges the water pollution in the Varal Devi lake and in fact has been prepared as a plan to reduce pollution in the lake. It is submitted that the lake continues to remain polluted, as can be seen from recent photographs of the lake annexed hereto and marked as **Annexure A-1**.

9. The Respondent No. 1 has deliberately avoided responding to the minutes of the Chala Januya Nadila (“CJN”) campaign meetings annexed by the Applicants, including the minutes of 07.08.2024 (Annexure A-16) and 30.09.2024 (Annexure A-11) wherein clear directives were issued to the Corporation to stop sewage discharge, install STPs and undertake desludging. The Respondent Corporation has not complied with these directions and has not offered any explanation for non-compliance. Its silence amounts to admission.



10. The Respondent No. 1 repeatedly states that the Varal Devi Lake supplies only 5 MLD of water and that the lake is "mesotrophic". However, it has not addressed the alarming findings in the MPCB water analysis (Annexure-I Table, pp. 7-9 of the Affidavit of the Respondent MPCB) which show high TSS, ammonia, orthophosphate, and BOD far exceeding permissible limits. The Respondent Corporation has not disclosed any measures for improving dissolved oxygen or removing pathogens.

11. The Respondent No. 1 has not dealt with the MPCB's Proposed Directions under Section 33A issued to it on 20.08.2025 (Annexure-III of MPCB affidavit, pp. 12-14) which clearly direct the Corporation to take immediate steps to reduce water pollution. In particular, the said proposed directions addressed to the Respondent No.1 states as follows,

- "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.”*

12. It is submitted that a failure to acknowledge or comply with these statutory directions demonstrates wilful negligence.

13. The Respondent No. 1 has sought to rely on the fact that STPs of 29 MLD, 31 MLD and 9 MLD will be operational “in October 2025” (para N, p. 384–385 of the Respondent No. 1 affidavit) . However, the present case concerns current contamination and ongoing dumping of sewage. The Respondent has not shown what steps are being taken today to prevent untreated sewage from entering the lake. Its reply is completely silent on the immediate environmental and public health hazards.



14. The Respondent No. 1 has not denied that idol immersion contributes heavy metal pollution. The Respondent has only stated that tenders have been issued for mild steel gates to prevent pollution “during immersion”.

These are mere proposals and do not address the already contaminated sludge and the heavy metals presently present in the water.

15. The Respondent No. 1 has not produced any water quality test results for the treated water supplied from the 5 MLD plant, except a few selective documents in Exhibit H (pp. 409–413 of its affidavit) which do not correspond to MPCB sampling locations and do not reflect lake conditions. The data entered in these sampling locations are literally recorded as “Nil” and “Zero” and are simply crossed out. The Respondent Corporation has not produced any independent audit, any NABL report, or any monthly water quality readings.

16. The Respondent No. 1 has not denied that large numbers of dead fish were found floating on the lake surface (Annexure A-4 in the OA), which indicates hypoxia and severe ecosystem collapse. The Respondent has failed to offer any explanation.

17. The Respondent No. 1 has also not addressed the criminal case (No. 1133/2022) filed by the Respondent MPCB 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.



18.It is therefore submitted that the Respondent No. 1 has not answered the Applicants' evidence, has suppressed statutory findings of MPCB, and has provided incomplete and misleading information. The rejoinder annexures and MPCB's findings establish that the lake remains dangerously polluted, poses serious public health risks, and continues to receive untreated sewage.

19.In these circumstances, the assertions and denials made by the Respondent No. 1 deserve to be rejected and the reliefs sought in the Original Application deserve to be granted.

20.For the abovesaid reasons, I say that the prayers in the present Original Application deserve to be made absolute



Solemnly declared at Mumbai,)
Dated this 24th day of November 2025)

Bondhe

APPLICANT NO.1

Identified by me

R.R.

RONITA BHATTACHARYA BECTOR,

Advocate for the Applicants

BEFORE ME

N.K. Singh

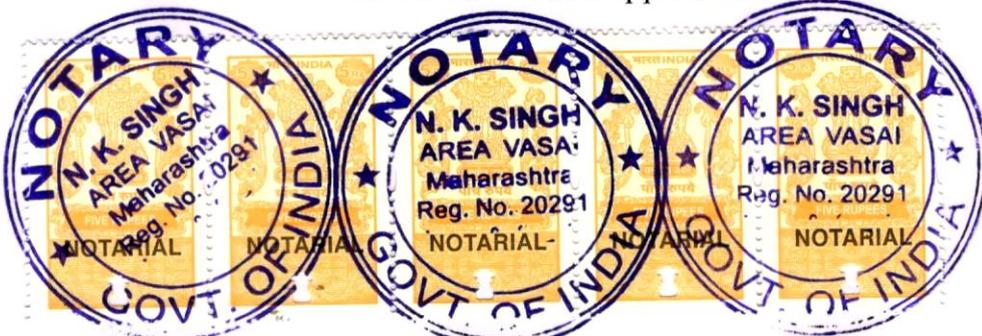
N. K. SINGH

B.Sc., LL.B.

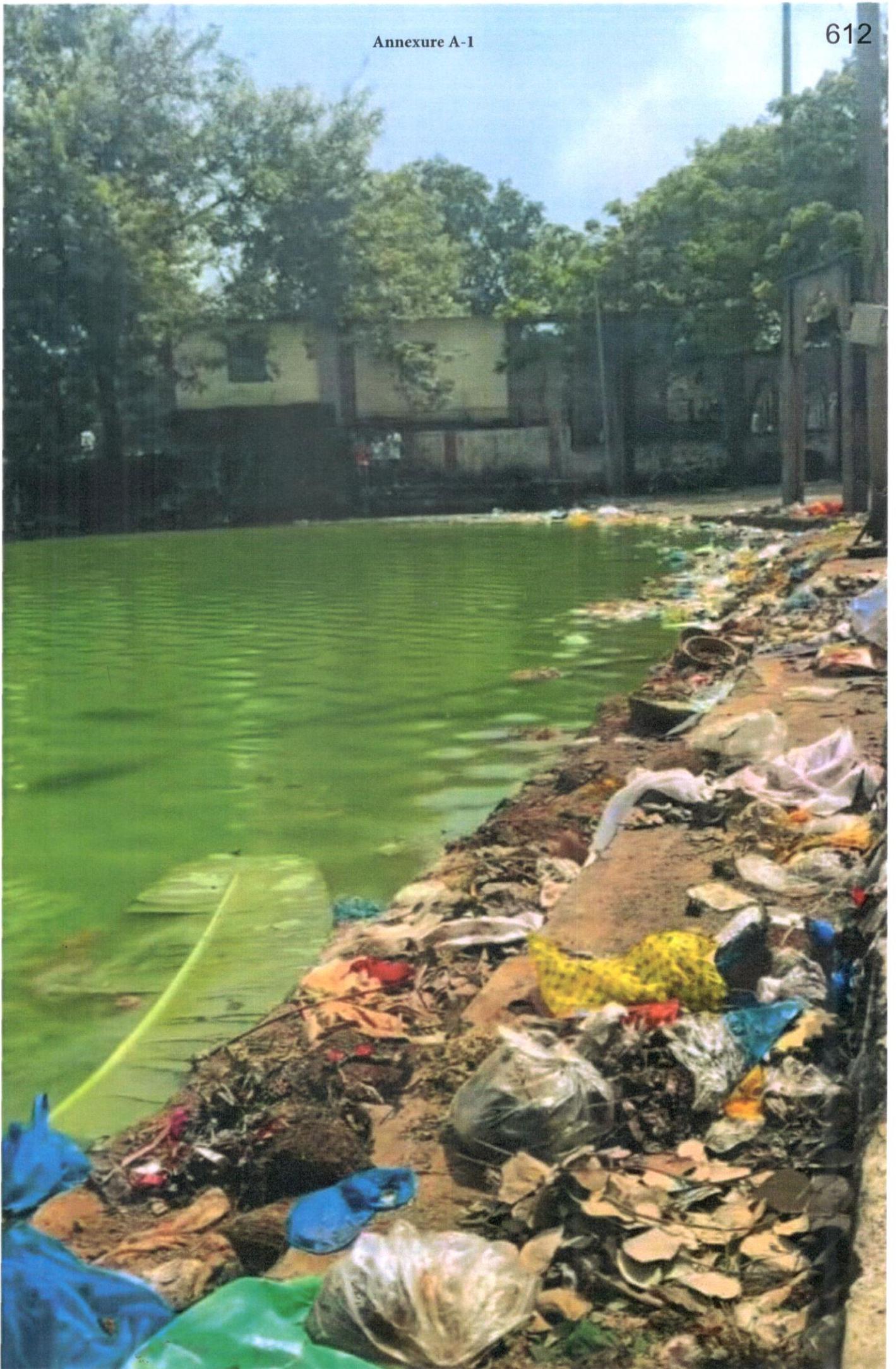
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

A-302, Sun Nidhi Park, Behind Fire Brigade,
Vasai East, Palghar, Maharashtra-401209.

Before me

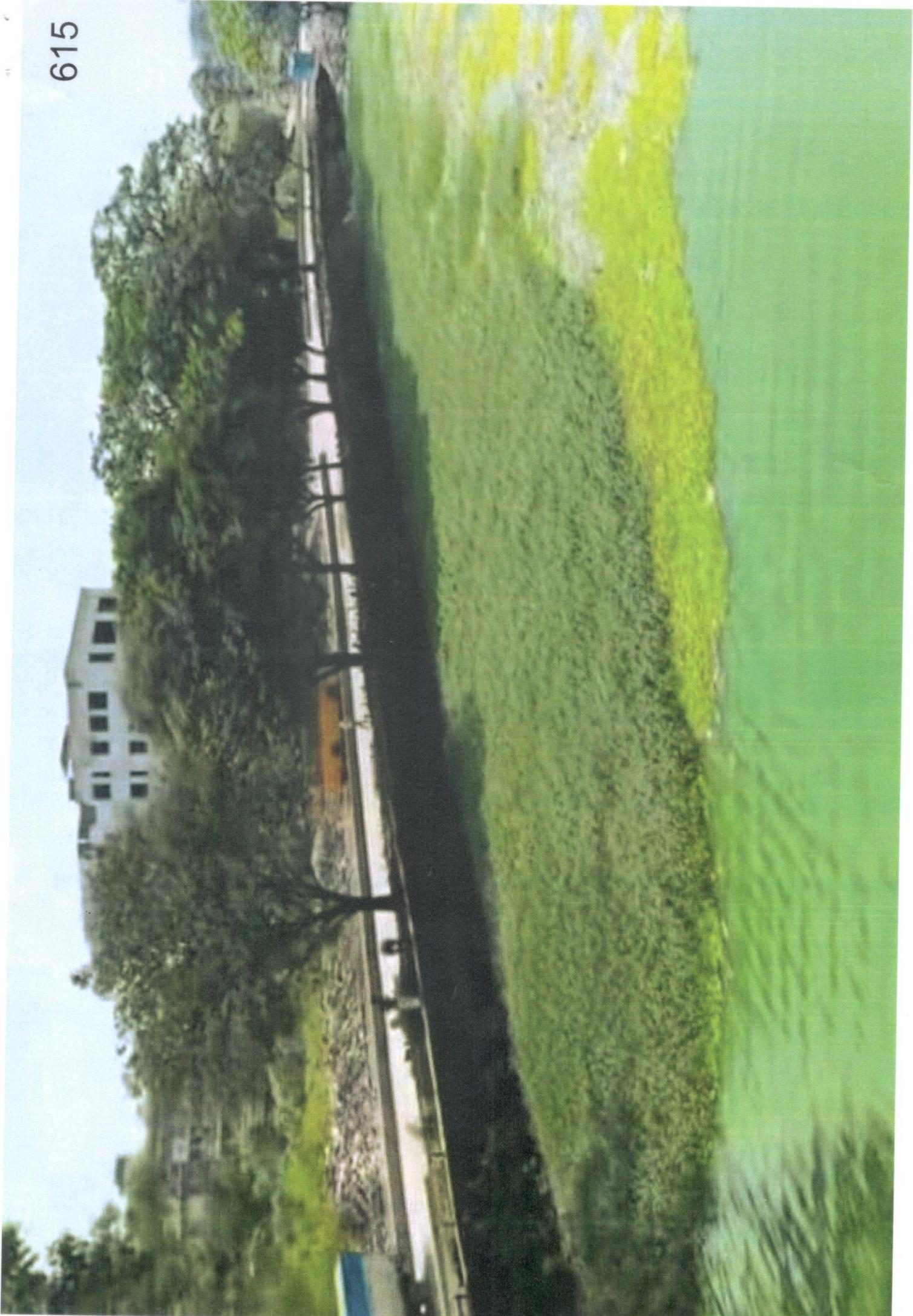


Reg. No. 5
Sr. No. 15 Pg.No.
Date. 25/11/25









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