

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

ORIGINAL APPLICATION NO. 194 of 2024 (WZ)

Satyaprakash Bastiram Sharma

... Applicant

Versus

Maharashtra Pollution Control Board & Ors. ... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD i.e. RESPONDENT NO. 1.**

I, Babasaheb Kukade , aged adult years, occupation – Service, the Sub Regional Officer of the Maharashtra Pollution Control Board at Pune II Region, having office address at 2rd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

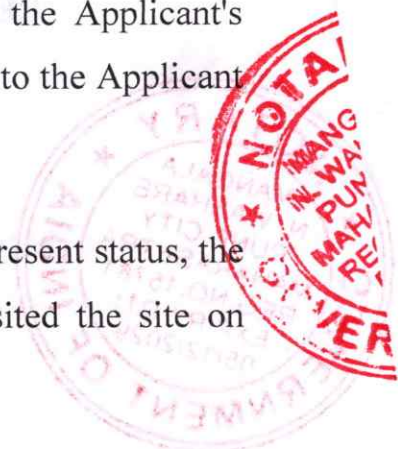
- (1) I am filing this Affidavit in compliance of the Order dated 03/12/2024 passed by this Hon'ble NGT.
- (2) I say and submit that the present application is filed by the Applicant alleging that the Respondent Nos.2 to 8 have encroached upon the portion of the Applicant's property i.e. Gat No. 378/3, Village Kharabwadi, Taluka Khed, District Pune, and these Respondents have constructed structures, occupying the land. They have also unlawfully dug a hole in the wall, through which waste water from their toilet, bathroom and kitchen, including feces, dirt, soap, and



detergent is being discharged directly into the Applicant's land, thereby causing health hazard not only to the Applicant but also to the local residents.

(3) I say and submit that in order to verify the present status, the official the Respondent-MPCB at Pune visited the site on 27/11/2024 and observed as follows:

- I. Site in question is located in jurisdiction of Kharabwadi Grampanchayat, Tal.Khed, Dist- Pune.
- II. During visit Mr. Nitin Patil on behalf of the Applicant was present.
- III. During visit, it was observed that the development work of industrial unit is in progress at Applicant's land i.e. at Gat No.378/3, Vill.Kharabwadi, Tal.Khed, dist-Pune. Besides of compound wall of said premises there is a residential area.
- IV. From the adjacent residential area domestic untreated sewage is being discharged in the Applicant's land.
- V. Also Municipal Solid Waste (MSW) found disposed on open land owned by Applicant by the neighboring residents. As informed by Kharabwadi Grampanchayat Gramsevak, approximate 3.5 MT/Day MSW is generated in Kharabwadi Grampanchayat.
- VI. During visit nearby residents were also present and complained about the blockage of drainage line.
- VII. Population of Grampanchayat Kharabwadi as per 2011 census is 9,200.



VIII. Grampanchayat Kharabwadi has not provided Sewage Treatment Plant and also not provided Municipal Solid Waste Treatment Facility.

A copy of the Visit Report along with Photographs Dated 27/11/2024 is attached as an **Annexure I**.

4. I say and submit that the Respondent-MPCB vide letter dated 06/12/2024 informed to the Village Development Officer Gram Panchayat Kharabwadi to provide Sewage Treatment Plant to treat sewage from the jurisdiction of Gram Panchayat and dispose the Municipal Solid Waste.

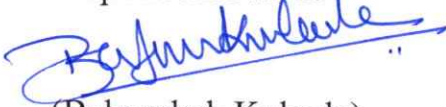
5. I say and submit that as per the provisions of the Solid Waste Management Rules, 2016, the Authorization is required if the volume of waste is exceeding five metric tones per day including sanitary landfills from SPCB. However, the Gram Panchayat Kharabwadi generates municipal solid waste 3.5 MT / day, which is less than 5 MT/day.

Solemnly affirmed on this 22nd day of January, 2025 at Pune.

I know the affiant

ADVOCATE

For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No. 1.


(Babasaheb Kukade)

Sub Regional Officer, Pune II

BEFORE ME


MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

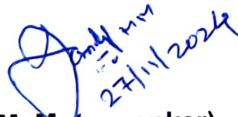
22 JAN 2025




VISIT REPORT W.R.T. ORDER ISSUED BY HON'BLE NGT IN THA MATTER O.A NO.194 OF 2024 (WZ) SATYA PRAKAASH BASTIRAM SHARMA Vs MAHARASHTRA POLLUTION CONTRO BOARD & ORS.

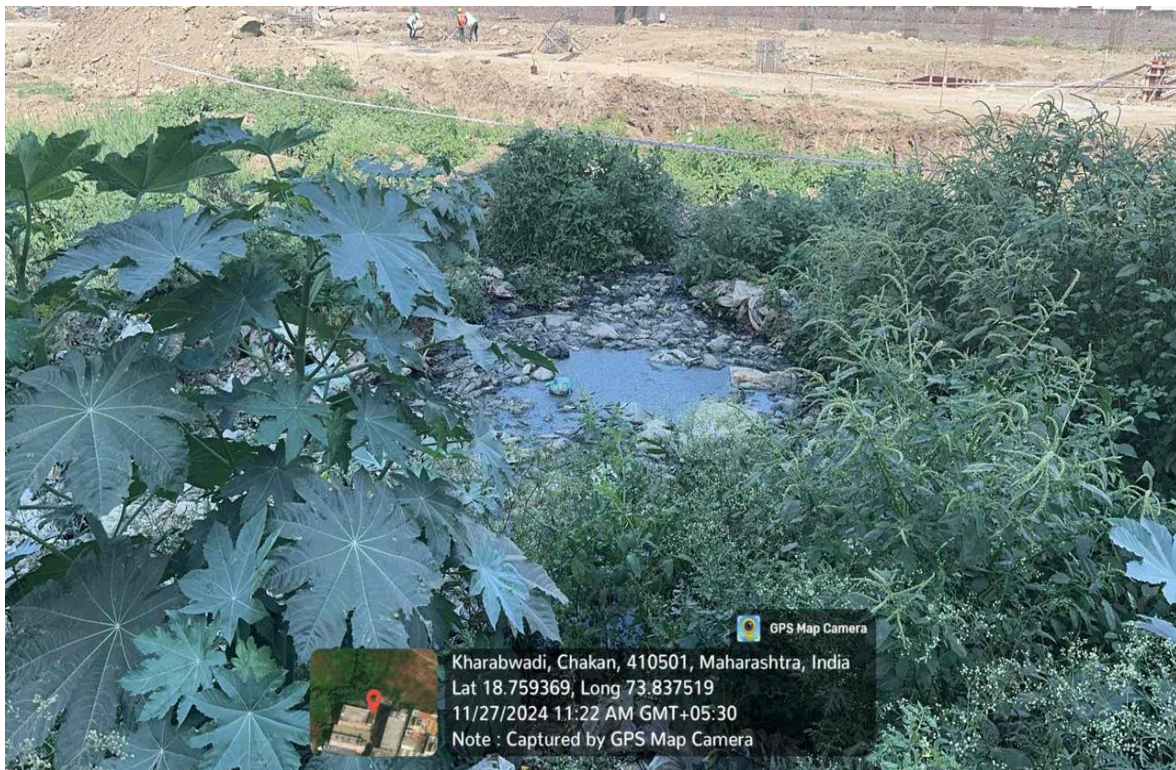
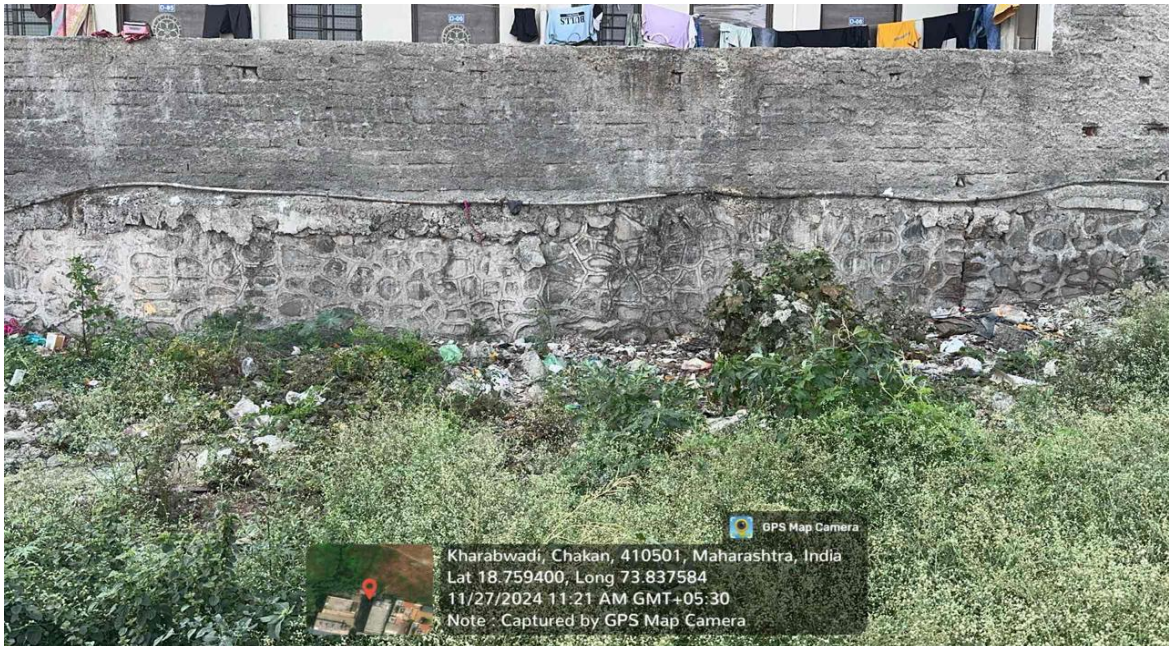
Visit was made in presence of Kharabwadi Grampanchayat Gramsevak namely Shri. Ramesh Rambhau Choure (Gram Vikas Adhikari) on 27.11.2024 and following observations were made:-

- 1) Site in question is located in jurisdiction of Kharabwadi Grampanchayat, Tal.Khed, Dist-Pune.
- 2) During visit complainant was contacted telephonically and same was received by Shri. Shivshankar Swaminathan (Advocate of the Applicant), further he informed that Mr. Nitin Patil will remain present on behalf of the complainant.
- 3) During the visit it was observed as development work of industrial unit is in progress at complaints land i.e. at Gat No.378/3, Vill.Kharabwadi, Tal.Khed, dist.Pune
- 4) Besides of compound wall of said premises there is residential area.
- 5) From the adjacent residential area domestic untreated sewage being discharges in complainants land.
- 6) Also Municipal Solid Waste (MSW) found disposed on open land owned by complainant by neighboring residents. As in formed by Kharabwadi Grampanchayat Gramsevak approximate MSW generation is about 3.5 MT/Day.
- 7) During visit residents of the residential area were also present the complained as the complainant has blocked the drainage line.
- 8) Grampanchayat Kharabwadi has not provided Sewage Treatment Plant and also not provided Municipal Solid Waste Treatment Facility.
- 9) Population of Grampanchayat Kharabwadi as per 2011 census is 9,200.

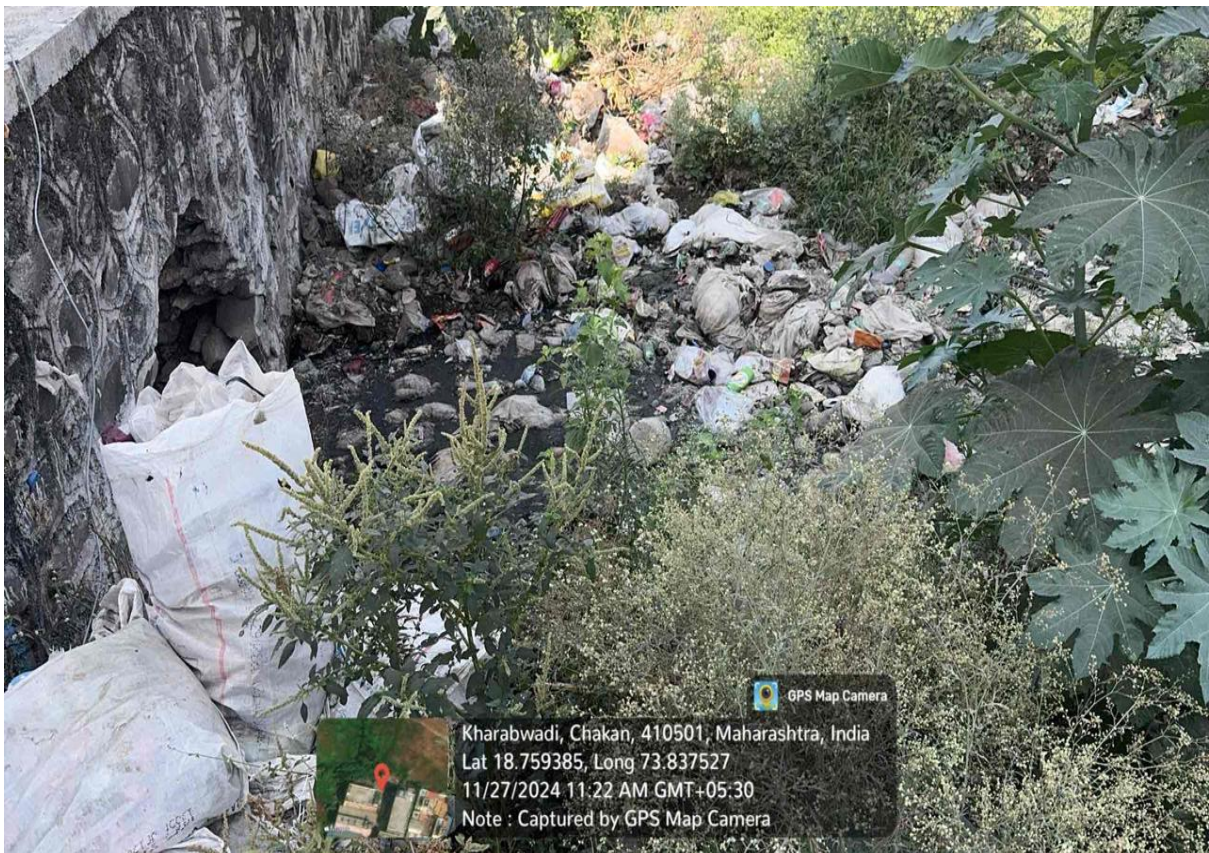

(S. M. Metegaonkar),
Filed Officer, SRO Pune-II


(B. M. Kukade)
Sub Regional Officer,
M. P. C. Board, Pune-II

87
Photographs



88
Photographs



89
Photographs



90
Photographs

