



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

ORIGINAL APPLICATION NO.214/2024(WZ)

[EARLIER ORIGINAL APPLICATION No. 1231/2024 (PB)]

News Item titled "Dead fish found floating in Mula River raises alarm" appearing in the Hindustan Times dated 23.09.2024

**AFFIDAVIT IN REPLY ON BEHALF OF THE
MAHARASHTRA POLLUTION CONTROL BOARD
TO THE REJOINDER FILED BY RESPONDENT NO.1**

I, B. M. Kukade, Aged Adult, occupation – Service, the Regional Officer of the Maharashtra Pollution Control Board at Pune, having office address at Jog Centre, 3rd Floor, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

- (1) I say and submit that present Affidavit is filed in compliance of the Order dated 26/08/2025 passed by this Hon'ble NGT.
- (2) I say & submit that the Respondent-Board has filed the detailed Affidavit on 5/2/2025, which was taken on record by this Hon'ble NGT.
- (3) At the outset, I deny the averments made by the Respondent No.1- Pune Municipal Corporation (PMC) in their Rejoinder dated 25/8/2025 at Para-A.



- (4) I say and submit that Section 23 of the Water (Prevention & Control of Pollution) Act, 1974 provides that, any person empowered by the State Board in this behalf shall have a right at any time to enter, with such assistance as he considers necessary, any place for the performing any of the functions of the Board entrusted to him.
- (5) I further say and submit that the procedure laid down in the Rejoinder filed by Respondent No.1-PMC is admissible as evidence in legal proceedings, mentioned in Section 21 of the Water (Prevention & Control of Pollution) Act, 1974. The Joint Vigilance procedure should not be confused with the legal sampling under Section 21 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 26 of the (Prevention and Control of Pollution) Act, 1981. These sections can always be carried out to build up the cases for prosecution / legal actions as and when required.
- (6) I say and submit that the Officials of the Respondent Board at Pimpri Chinchwad visited the Mula river as per the news appeared in Daily Lokmat Newspaper dated 23/9/2024 regd. Fish kill incident near to crematorium at Pimple Nilakh. The observations made during the said visit were general in nature with respect to the fish kill incident. However, as stated in the rejoinder filed by Respondent No. 1, no visit was made to the Baner STP of PMC. However, during the visit, the officials



did not collect the Law Evidence Samples(LES), hence, the averments regd. procedure lapses on the part of Respondent-MPCB are hereby denied.

- (7) I say and submit that the treated effluent from Pimple Nilakh STP and Baner STP is discharged into Mula river Upstream of dead fish site on site is a general observation mentioned in the visit report dated 23/09/2024.
- (8) I further say and submit that on the basis of JVS results of outlet of Baner STP from April, 2024 to August, 2024 is between 20.0 mg./ltr. to 132.0 mg/ltr. for parameter COD (as per the consented parameters, the limit of COD is 50 mg./ltr.), therefore, the Respondent Board has issued Show Cause Notice vide letter dtd.18/11/2024 to the Respondent No.1-PMC. In the said show cause notice, the visit report dated 23/09/2024 was referred to in relation to the fish kill incident, and accordingly, the SCN was issued on the basis of non-compliances. It is submitted that the JVS results pertain to a period prior to the fish kill incident and the Show Cause Notice dated 18/11/2024 does not mention any visit to the Baner STP.
- (9) I say and submit that Mula river flows from West to East between the two Municipal Corporations. Pimpri-Chinchwad Municipal Corporation (PCMC) is on the left side of bank of



Mula river and Pune Municipal Corporation (PMC) is on the right side of the bank of Mula river. The Pimple Nilakh STP of PMC is on the left side of bank of Mula river and upstream of dead fish site. The Baner STP of PMC is on the right side of bank of Mula River and upstream of dead fish site. The discharge from Baner STP meets to Ramnadi flowing adjacent to STP, which further meets to Mula river upstream of Pimple Nilakh Crematorium, where dead fish observed. Also, various Streams/ Nalas carrying domestic effluent from PMC side are meeting to Mula river upstream of the dead fish site. A copy of Google Map is attached as **Annexure I**

- (10) I say and submit that Pune Municipal Corporation has installed a 30 MLD capacity of STP in Baner on the Mula River. The following are the analysis results of STP outlet for the period from Oct 2024 to November 2025. and the same were shared with PMC through online mode.

Sr.No.	Parameters	STP outlet standard as per Consent	Analysis Result of Baner STP					
			8.10.2024	7.11.2024	6.12.2024	6.2.2025	25.3.2025	8.4.2025
			outlet	outlet	outlet	outlet	outlet	outlet
1.	BOD	10 mg/	BDL	2.1	4.8	2.0	16.5	2.7
2.	COD	50 mg/	BDL	16	20	8.0	52.4	8



Sr.No.	Parameters	STP outlet standard as per Consent	Analysis Result of Baner STP						
			9.5.2025	30.6.2025	3.7.2025	13.8.2025	29.9.2025	27.10.2025	27.11.2025
	Date of Collection		outlet	outlet	outlet	outlet	outlet	outlet	outlet
1.	BOD	10 mg/	21.5	22	8	4.2	4.4	2.9	4.1
2.	COD	50 mg/	68.3	64	24	12	12	8	12

(11) Hence this affidavit.

Solemnly affirmed on this 14th day of January, 2026 at Pune.

I know the affiant

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 2.

(Signature)

(B.M.Kukade)

Regional Officer -Pune

ADVOCATE

14 JAN 2026

AFFIDAVIT

Solemnly affirmed before me by
 Shri/Smt. B. M. Kukade
 R/o Joy Centre Wakandewadi
 Tel. haveli Dist. pune
 Who Identified by _____
 Whom He/She is personally Known.

(Signature)
 Adv. PARMESHWAR T. KHOBARE
 Notary Govt. of India
 Pune, Maharashtra.



