

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

Original Application No. 63/2023(WZ)

[Earlier Original Application No.105/2022 (PB)]-L.P.

Arif Nawaz M.M. Iraqi

... Applicant

v/s

State of Maharashtra & Ors.

... Respondents

Affidavit in Reply on behalf of the Respondent No. 2- MPCB in compliance of the Order dated 28/7/2023 passed by this Hon'ble Tribunal.

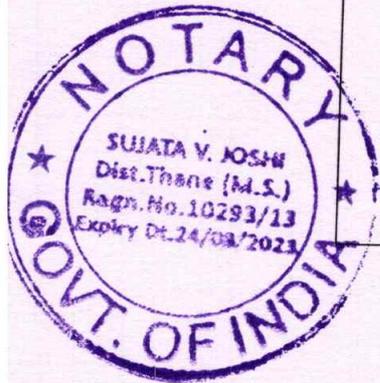
I, Ravindra Andhale, Age 55 years, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Thane, having my office at 5th Floor, Office Complex Building, Near Mulund Check Naka, Wagle Estate, Thane-400 604, do hereby state on solemn affirmation as under:-

- (1) I am filing this Affidavit in Reply in compliance of the Order dated 28/7/2023 passed by this Hon'ble Tribunal, wherein, the Hon'ble NGT directed the Respondent Board to bring on record as to what actions have been taken against the Thane Municipal Corporation (TMC) for not set up STP in Diva area and also directed to bring on record all the facts after issuance of Proposed directions vide letter dtd.25/11/2022 by the Respondent Board to the Thane Municipal Corporation.



- (2) I say and submit that in order to verify the compliance of the proposed directions issued by the Respondent Board vide letter dtd.25/11/2022, the officials of the Respondent Board at Thane visited the area on 17/8/2023 and observed as follows:-

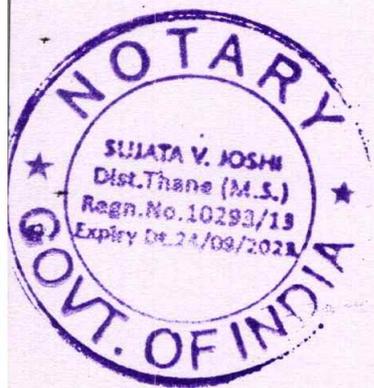
Sr. No.	Direction issued	Observations
1	STP at Mumbra: Out of 4 No. of SBR, 2 SBR were found not in operation due to inadequate inflow of sewage as the connection of household sewer line to STP is incomplete and is under progress since 2019	<ol style="list-style-type: none"> 1. During visit, All 04 no of Sequential batch reactors (SBRs) were in operation. 2. As per records presented by TMC representative, inflow to STP was 30-32 MLD (STP capacity: 32 MLD). 3. TMC representative informed that 100% drainage house connection work of Mumbra is in progress & will be completed by March, 2024
2	As per directions issued by CPCB vide dtd. 07.08.2020 TMC not installed OCEMS to Mumbra STP	<ol style="list-style-type: none"> 1. TMC has not installed OCEMS to Mumbra STP. 2. TMC in their reply, has submitted that OCEMS will be installed as per fund availability.
3	Bank Guarantee as per existing consent to operate of STPs is not submitted by TMC.	TMC has not submitted Bank Guarantee (BG) as per existing consent to operate.



		TMC in their reply, has requested to give exemption for submission of BG.
4	TMC has not provided any treatment system for leachate/slurry generated from processing plant of 10 TMD Bio-composting plant of Kausa.	During visit, It is observed that TMC has installed 3 KLD treatment system for the treatment of leachate / slurry generated from 10 KLD Bio-composting plant of Kausa. Said treatment system found in operation.
5	You have not provided Bio-methanization plant of 10 TPD at Kausa Bio composting plant site.	During visit, 2 no. 5 TPD Bio-composting plant found in operation. Bio-methanization plant is not installed at Kausa site.
6	Diva & Mumbra dry waste processing plants were not in operation during visit.	During visit, Dry waste processing plants at Diva & Mumbra were found in operation.

A copy of the visit report dtd.17/8/2023 is enclosed herewith and marked as an **Annexure-‘I’**.

- (3) I say and submit that as informed by the Thane Municipal Corporation, the sewage generation in Diva area is 32 MLD. TMC has proposed 05 No. STPs of 106 MLD capacity for



Divya, Shil area. DPR prepared, however actual commencement work of STPs installation is not yet started.

(4) I say and submit that the Environmental compensation is assessed by the Respondent Board by following guidelines of CPCB, prepared in compliance of the Order passed by the Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors., A copy of Environmental Compensation calculation is enclosed as Annexure-'II'

(5) I say and submit that the Respondent Board has issued a letter dated 21.09.2023 to the Respondent-TMC to deposit the Environment Compensation of Rs. 102.437/- Cr. A copy of the letter dated 21.09.2023 is enclosed herewith and marked as an Annexure-'III'

Solemnly affirmed on this 21st day of September, 2023 at Thane.

I know the Affiant,

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

Advocate for Respondent Board

Ravi
(Ravindra Andhale)
Regional Officer – T



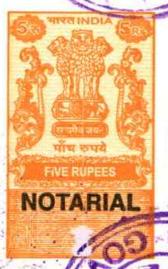
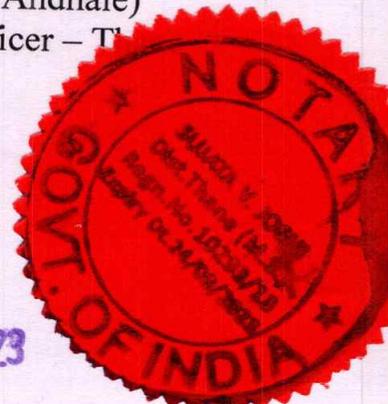
NOTARISED

SUJATA V. JOSHI
ADVOCATE & NOTARY

101/102, Vishal Bldg., Station Road,
Kalwa (W), Thane-400 605.

NOTED & REGISTERED
Sr. No. 8035/2023

22 SEP 2023



MAHARASHTRA POLLUTION CONTROL BOARD



Tel No. 25829582

Email - srothane1@mpcb.gov.in

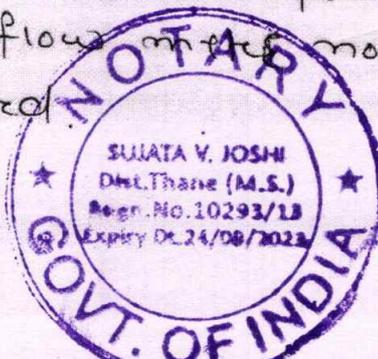
Sub Regional Office, Thane-I
Office Complex Bldg.,
5th Floor, Wagle Estate,
Near Mulund Check Naka,
Thane - 400604

VISIT REPORT

1. Name & Address of the Site : M/s. Thane Municipal Corporation (Mumbai - STP) 32 MLD.
2. Date of Visit : 17-08-2023
3. Industry Representative : Paresh Paddy Niemittee sulgaomkar
4. Consent Status : consent valid upto 15-11-31-12-2025
5. Observation :

visited STP along with TMC representative, during visit made following observations;

1. During visit STP found operational.
2. Capacity of STP is 32 MLD.
3. Inlet flow is 30-32 MLD.
4. STP consist of inlet chamber, screen chamber, grit removal, distribution chamber, 4 No. of SBR, chlorine contact tank, centrifuge house & sludge pit. 4 No. of SBR found in operation.
5. Flow meter provided to inlet found in operation. Outlet flow meter not operational.
6. ocems not installed.



- 7. Basic Guarantee as per consent not submitted.
- 8. Treated effluent use for gardening, setting vehicle for pipeline checkup cleaning & remaining is discharged into creek. sludge use as manure for garden.
- 9. TMC representative informed that remaining house hold connection work is in progress & same will be completed by March 2024.



Solgaokar.

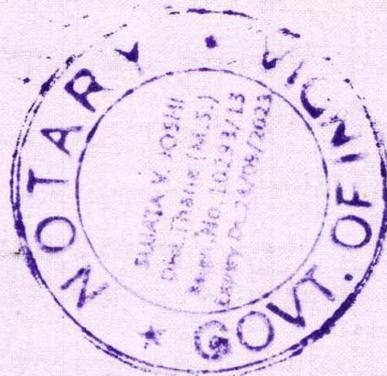
(Niemitte Solgaokar)
 Jr. chemist
 (Pollution Control (CETMC))

Hussaini

(P. S. Same)
 Field officer
 SPO Marn-1
 MPCB

Wakil's

(Shakil Shaikh)
 SPO Marn-1
 MPCB



MAHARASHTRA POLLUTION CONTROL BOARD



Sub Regional Office, Thane-1
Office Complex Bldg.,
5th Floor, Wagle Estate,
Near Mulund Check Naka,
Thane - 400604

Tel No. 25829582

Email - srothane1@mpcb.gov.in

VISIT REPORT

1. Name & Address of the Site : M/s. Thane Municipal Corporation, solid waste processing (Bio-composting plant), Mumbai-Kausa
2. Date of Visit : 17-08-2023
3. Industry Representative : Praful Singh
4. Consent Status : Nirmitee Salgaonkar (Jr. Chemist, PCC)
5. Observation



visited said site along with tmc officials during visit made following observations:

1. There are 2 no. Bio-composting plant of capacity 5 TPD each, same was operational at the time of visit.
2. Plant representative informed that vegetable market waste & hotel waste approx 8-10 TPD collected from Kausa Mumbai area for processing of 3KLD capacity.
3. Tmc has installed ETP for treatment of slurry/leachate generated from processing plant. Treated water discharged to local drain.

Nirmitee Salgaonkar
(Nirmitee Salgaonkar)
Jr. Chemist
(Pollution Control Cell)

(P. S. same)
(P. S. same)
Field Officer
Sub Regional Thane-1
MPCB

(Shailkh Shakti)
(Shailkh Shakti)
SRO Thane-1
MPCB Thane.



MAHARASHTRA POLLUTION CONTROL BOARD



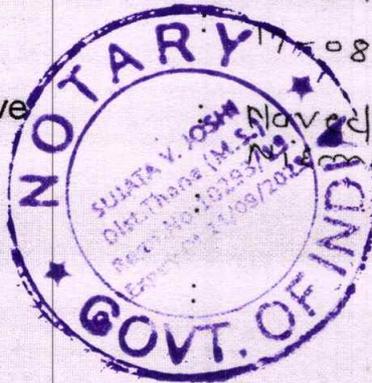
Tel No. 25829582

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Sub Regional Office, Thane-I
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Thane - 400604

VISIT REPORT

1. Name & Address of the Site : M/s. Thane Municipal Corporation, De y waste facility, ~~near~~ Mumbega Retibunder, Thane
2. Date of Visit : 11/08-2023
3. Industry Representative : Navod Ali Khan, Committee Salgaokar
4. Consent Status
5. Observation



visited along with the officials, during visit made following observations.

1. During visit said facility found in operation.
2. The representative informed that area of the facility is approx 1000 sq feet.
3. Manpower for said facility is 02 Nos
4. Electric connection provided.
5. During visit one manual compacter machine was available at facility.
6. During visit sorted waste such as mixed plastic, putna, paper, thermocol,

mixed polythene bags, glass waste & other scrap material (approx 2.5 ton) found stored.



Salgaolkar.

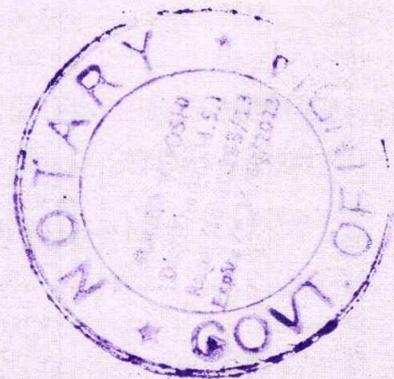
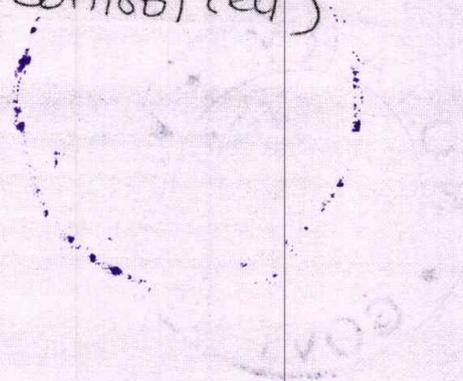
(Nismittee Salgaolkar)
(Sr. Chemist)
(Pollution Control Cell)

Senari

(R. S. Senari)
MPCB - Thane - 1

Nazki

(Shakil Shaikh)
SFO Thane - 1



MAHARASHTRA POLLUTION CONTROL BOARD



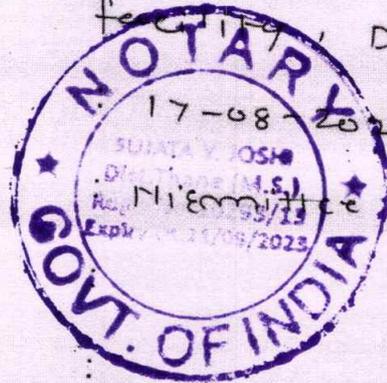
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Thane - 400604

Tel No. 25829582

Email - srothane1@mpcb.gov.in

VISIT REPORT

1. Name & Address of the Site : M/s. Thane Municipal Corporation, Dry waste facility, Diva.
2. Date of Visit
3. Industry Representative
4. Consent Status
5. Observation



visited along with mpc officials, during visit made following observation;

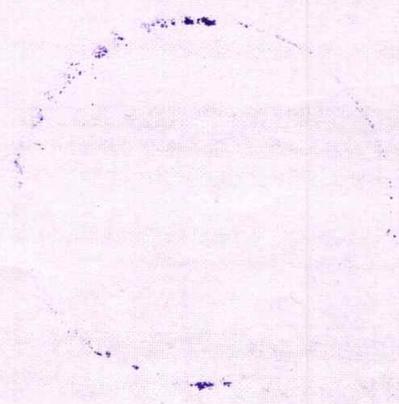
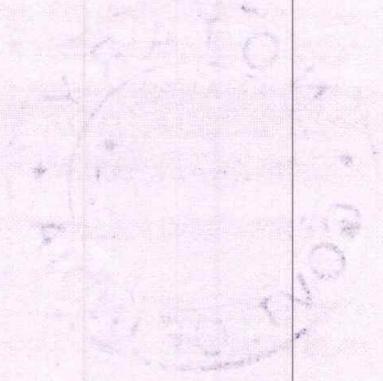
1. During visit said facility found in operation.
2. mpc representative informed that area of facility is approx. 800 sq. ft.
3. Manpower for said facility is 2 nos.
4. Electric connection provided.
5. During visit sorted waste such as mixed plastic, puttna, paper, Thermocol, mixed polythene bags, glass waste & other scrap material (approx 1 Ton) found stored.

→

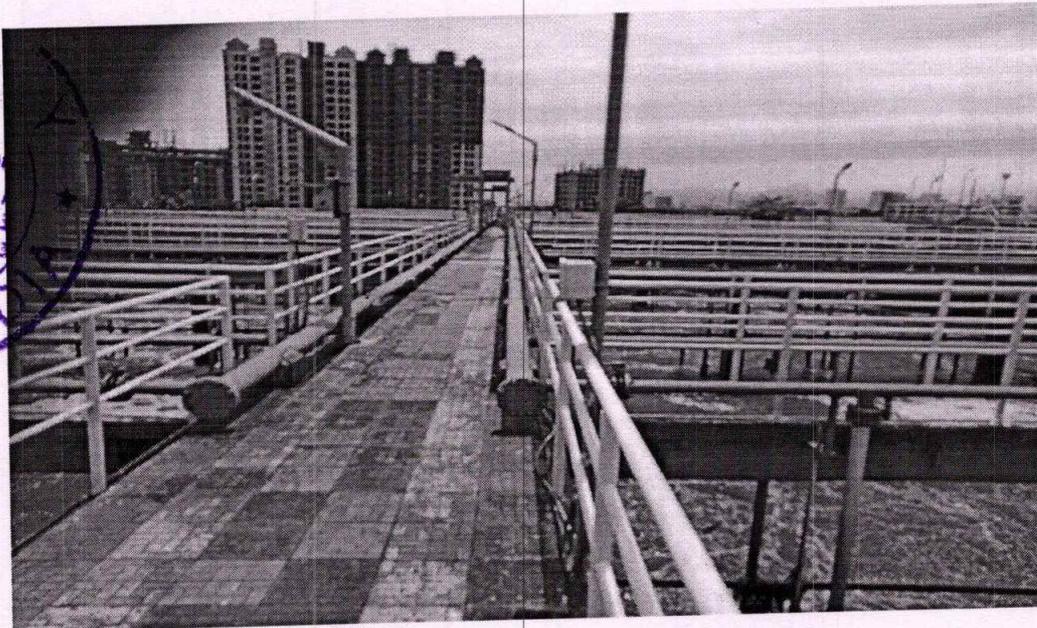
Dalgaorkar.

Niemitre Dalgaorkar
(Jr-Chemist)
Pollution Control Cell, TMC

Handwritten signature
CR. S. Sare) Shakil Shaikh
MPCB Thane-1 SRO Thane-1

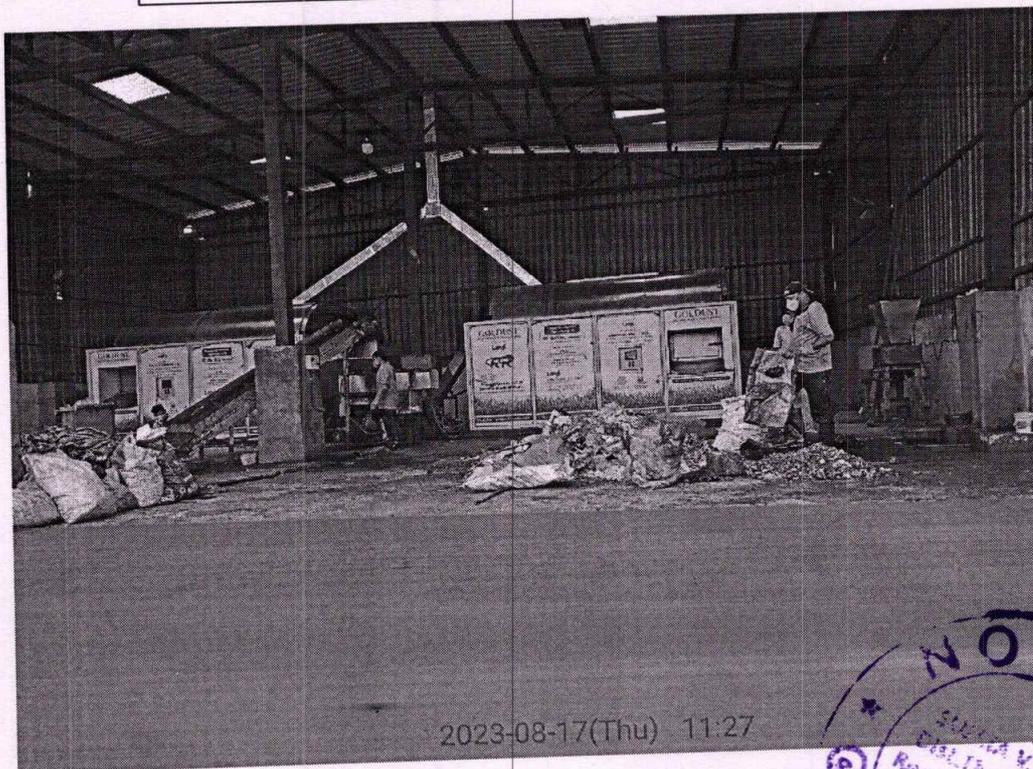


Site visit photographs



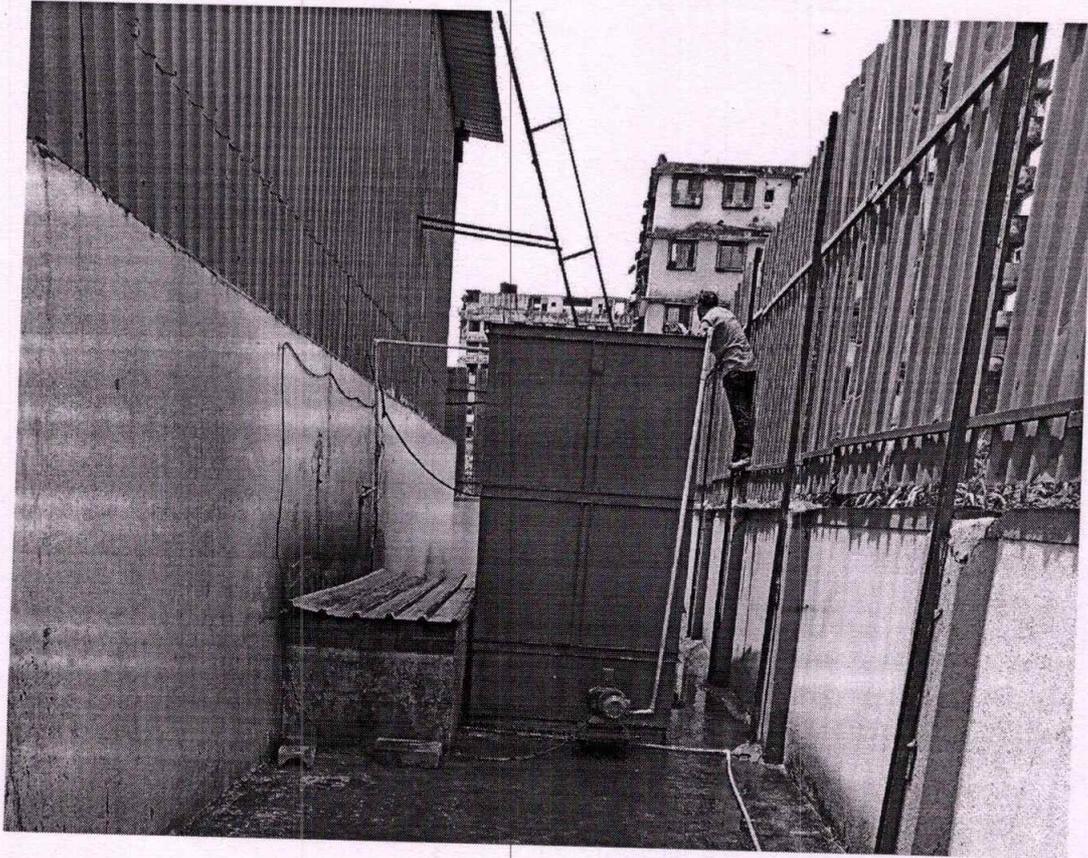
M.S.
93/12
2/09/2023
OF INDIA

Mumbra STP



Kausa Bio-Composting plant

NOTARY
Smt. V. J. JORAW
Dist. Thane (M.S.)
Regn. No. 2293/19
Exp. 19/09/2023
GOVT. OF INDIA



**Kausa Bio-Composting plant
Leachate Treatment system**

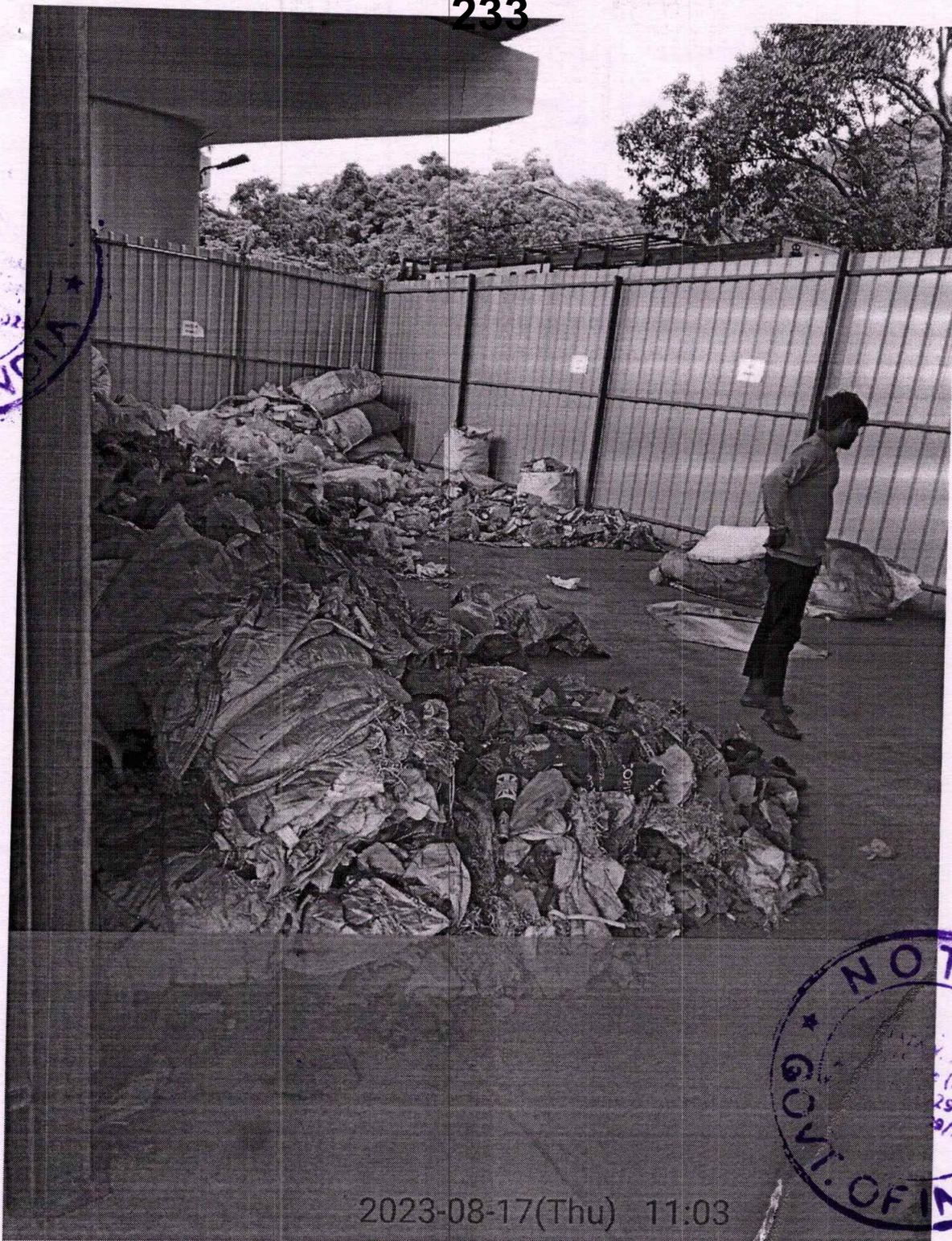




Diva Dry waste facility

56

233



2023-08-17(Thu) 11:03

Mumbra Dry waste facility

Annexure - II

Environmental Compensation Calculated by RO Theme

Environmental Compensation for TMC for not setting up STP in Diva area (As per Hon'ble NGT order dtd. 28.7.2023)	Million Plus City
Total Sewage Generation in MLD	32
Installed Treatment Capacity in MLD	0
Operational Capacity in MLD	0
Gap in Treatment Capacity	32
Date of Directions issued by NGT in O.A.593/2017	01-04-2020
Date of calculation of EC	10-08-2023
No. of Days violation	1226
Capital Cost factor	17.5
Calculated EC (capital cost component for STPs) in Lacs Rs. (A1)	560
Capital cost factor for conveyance facility	55.5
Calculated EC (capital cost component for Conveyance System) in Lacs. Rs.(A2)	1776
Calculated EC (Total capital cost component) in Lacs Rs.(A=A1+A2)	2336
Min	1000
Max	10000
Final EC (Total Capital Cost Component) in Lacs Rs.(A)	2336
Minimum values of EC (O&M Cost Component) Lacs Rs./day	1226
Maximum values of EC (O&M Cost Component) Lacs Rs./day	12260
Calculated O & M Cost	7846.4
Final EC (O&M Component) in Lacs. Rs./Day (B)	7846.4
Marginal Cost of Environmental Externality in Rs.	75
Up to 200 MLD-75	
201-500 MLD-85	
501 & Above 90	29.424
Calculated Env. Externalaity in Lacs	61.3
Min	122.6
Max	61.3
Final Environmental Externality in Lacs (C)	61.3
Environmental Compensation In Lacs (A+B+C)	10243.7
Environmental Compensation In Crore	102.437

2023/13
28/08/2023



MAHARASHTRA POLLUTION CONTROL BOARD

Tel : 25802272

Fax : 25805398

Visit us at:

Website : <http://mpcb.gov.in/>E-mail Id: rothane@mpcb.gov.in

Regional Office, Thane
5th Floor, Office Complex Bldg.,
Near Mulund Check Naka,
Wagale Estate,
Thane-400 604

No. MPCB/ROT-/ 369
To,
The City Engineer,
Thane Municipal Corporation,
Panchpakhadi, Thane(W)

Date:- 21/9/23

Sub: - To deposit Environmental Compensation.**Ref:** - Hon'ble NGT Order dated 28.07.2023 in OA No. 63/2023 (WZ).

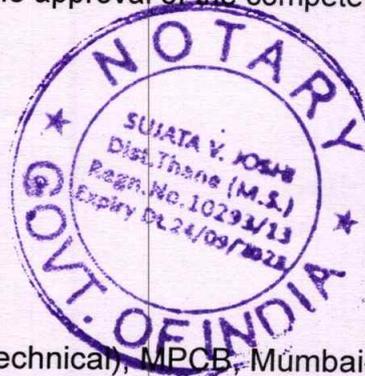
Arif Nawaz M.M. Iraqi has filed an Original Application bearing No. 63/2023 (WZ) before the Hon'ble NGT against the untreated sewage discharge in water bodies in Mumbra and Diva area.

In the aforesaid matter, the Hon'ble NGT vide order dated 28.07.2023 has directed the board to calculate the Environmental Compensation for not setting up Sewage Treatment Plant in Diva area.

In compliance of the Order dated 28.07.2023 and as per Environmental compensation worked out, and you are directed to deposit an amount of Rs- 102.437/- Cr (Rupees One Hundred Two crore Forty Three lakhs and Seventy Thousand only) towards the damage already caused to the environment and recovery of environment compensation as per 'Polluter's Pay Principle' to the Maharashtra Pollution Control Board within a period of 15 days from the date of receipt of this letter, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

This is issued with the approval of the competent authorities of the Board.

D.A. – As above



Ravi
(Ravindra Andhale)
Regional Officer, Thane

Copy submitted to :-

1. Assistant Secretary (Technical), MPCB, Mumbai- for information.
2. Law Officer, MPCB, Mumbai- for information.