

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

ORIGINAL APPLICATION NO. 142/2016 (WZ)

Sheikh Rashid Charitable Foundation,

Malegaon & Ors.

--- **Applicant**

Vs.

Union of India & Ors.

--- **Respondents**

**Affidavit in Reply on behalf of Maharashtra Pollution Control
Board i.e. Respondent No.4 in compliance of the Hon'ble NGT
Orders dated 14/2/2023 and 3/4/2023**

I, R.A. Rajput, Aged 54 Adult, Occupation – Service, the Regional Officer of the Maharashtra Pollution Control Board at Nashik, having my office address at Udyog Bhavan, First Floor, Trimbak Road, Near ITI, Satpur, Nashik-422 007, do hereby state on solemn affirmation as under :-

- I am filing this Affidavit in compliance of this Hon'ble Tribunal orders dated 14/2/2023 and 3/4/2023 on behalf of the Respondent No.4 i.e. Maharashtra Pollution Control Board before this Hon'ble Tribunal.

NOTARY	
NOTED & REGISTERED	
at Serial No.	1598/2023
D A T E	17 MAY 2023
THIS DOCUMENT	
Contains	58 Pages.





2. I say and submit that this Hon'ble Tribunal Orders dated 14/2/2023 & 3/4/2023 directed the Respondent Board to calculate the Environment Compensation.
3. I say and submit that the Hon'ble NGT, Principal Bench, New Delhi vide Order dated 10/1/2020 passed in Original Application No. 606/2018 – In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 (State of Maharashtra) has directed as –“Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation **from 01.04.2020 till compliance** will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body.”
4. I say & submit that in compliance of the Order dated 10/1/2020 passed in O. A. No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 (State of Maharashtra), the Respondent Board has issued directions to the Respondent No. as follows:
 - (i) Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs.10 Lakh per month per Local Body for population of above Rs.10 Lakh, Rs.5 Lakh per month per Local Body for population between Rs.5 Lakh and Rs.10

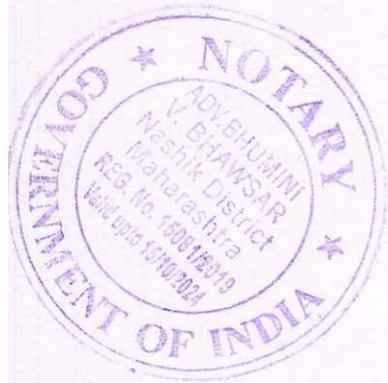


Lakhs and Rs.1 Lakh per month per other Local Body from 1/4/2020 till compliance.

- (ii) Continued failure to every Local Body on the subject of commencing the work of legacy waste sites remediation from 1/4/2020 till the compliance will result in liability to pay compensation @ Rs.10 Lakhs per month per Local Body for population above Rs.1 Lakhs, Rs.5 Lakhs per month per Local Body for population between Rs.5 Lakhs to Rs.10 Lakhs per month per other Local Body.
- (iii) In respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.

Accordingly, the Respondent Board has issued letters dtd.7/10/2020 to the Municipal Corporations in the State of Maharashtra, for assessment of Environment Compensation.

5. I say and submit that the Respondent-Board in compliance of the NGT Order dated 10/1/2020 passed in O. A. No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 (State of Maharashtra) has assessed compensation



against defaulting Malegaon Municipal Corporation as below-

(I) For solid waste

Period = 1/4/2020 to 30/9/2023
= 42 months

Compensation to be imposed as per Order dated 10/1/2020 in OA No. 606/2018 = Rs.5 Lakh / Month.

Therefore = 1,00,000 x 42 months

= **Rs. 2,10,00,000/- (Rs.Two Crores Ten Lakhs)**

(II) For Legacy Waste

Period = 1/4/2020 to 30/9/2023
= 42 months

Compensation to be imposed as per Order dated 10/1/2020 in OA No. 606/2018 = Rs.5 Lakh / Month

Therefore = 1,00,000 x 42 months

= **Rs. 2,10,00,000/- (Rs.Two Crores Ten Lakhs)**

(III) For Sewage Treatment (36 drains)

Period = 1/4/2020 to 30/9/2023
= 42 months

Compensation to be imposed as per Order dated 10/1/2020 in OA No. 606/2018 = Rs.5 Lakhs /
Per drain

Therefore = 42 Months X 36 drainsXRrs.5 Lakhs
 = **Rs.75,60,00,000/- (Rs.Seventy
 Five Crores Sixty Lakhs)**

6. I say and submit in compliance of the Orders passed by the Hon'ble Tribunal, the Respondent Board has calculated total Environment Compensation of Rs.79.80 crores (Seventy Nine Crores Eighty Lakhs only) towards assessment of damage already caused to the environment and recovery of environment compensation as per 'Polluters Pay Principle' vide letter dated 10/4/2023. A copy of the letter dated 10/4/2023 is enclosed herewith and marked as an **Annexure-'A'**

Solemnly affirmed on this 19th day of May, 2023 at Nashik

I know the Affiant,

For and on behalf of
 Maharashtra Pollution Control
 Board i.e. Respondent No.4,


 Advocate for Respondent Board


 (R.A. Rajput)
 Regional Officer, Nashik.



Solemnly affirmed & Sign: before

me by Signt. राजेंद्र रविचंद्र केशवराव

Who is identified by राजेंद्र

whom I know personally.


 Bhumi V. Bhawsar
 Advocate & Notary, Govt. of India