

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

Original Application No. 173/2024 (WZ)

Govandi New Sangam Welfare Society

... Applicant

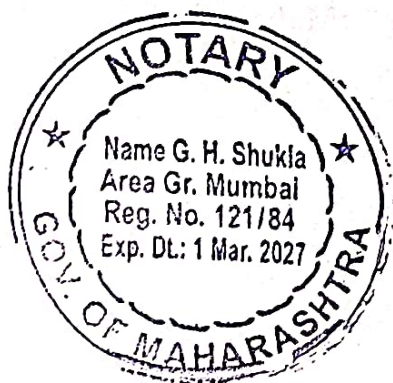
Versus

State of Maharashtra & Ors.

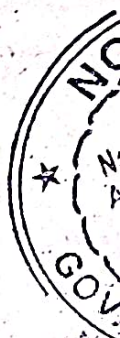
Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 4

I, Dhirajkumar D. Bangar., Age: Adult, Occupation – Service; working as Executive Engineer (SWM) Zone-II) Office Address- 411/412, 4th Floor, BMC Worli Garage Building, Dr. E. Moses Road, Worli Mumbai-400018 do hereby state on solemn affirmation on behalf of Respondent No. 4 - Brihanmumbai Municipal Corporation (BMC) is as under:-



1. I say that I have perused the copy of the application and compilation filed by the applicant and I have also perused the office records. I have made myself conversant with the facts of the case and am able to depose on behalf of the Respondent No.4. I am filing this affidavit in reply thereto.
2. I say that, the contract of collection, transportation, treatment and disposal of Bio-Medical Waste generated at all Health Care Establishment in Mumbai was awarded to M/s. SMS Envoclean Pvt. Ltd. vide S.C.R. No. 181 dated 25.05.2007. The contract was awarded on BOOT Basis for the period of 20 years which is in operation from 01.05.2009 and it will end on 30.04.2029.
4. I say that, this Respondent had allotted plot of 1 acre was allotted to M/s. SMS Envoclean Pvt. Ltd. for installation of common Bio-Medical Waste Treatment Facility.
5. I say that, in year 2022 Govandi New Sangam Welfare Society had filed PIL no. 33884 of 2022 before the Hon'ble Bombay High Court with Interim Application (L) No. 4441 of 2023. In this regard on 11.09.2023, Hon'ble High Court ordered to establish new incinerator facility at a different place identified and provided by MIDC i.e. at Patalganga Borivali - MIDC and it shall be commissioned within two years from date of order i.e. 11.09.2023.
6. I say that, however on 29.02.2024 a meeting was held with Joint Secretary of officer of Dy. Chief Minister (Maharashtra



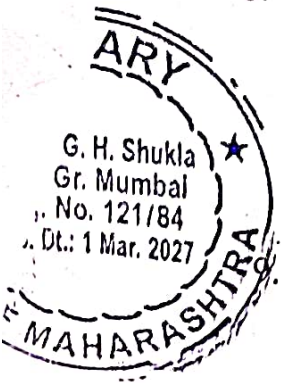
Government) whet it was informed that the alternate plot will be allotted to M/s. SMS Envoclean Pvt. Ltd. instead of Patalganga Borivali for installation of new incinerator facility.

7. I say that, accordingly MIDC given offer letter to M/s. SMS Envoclean Pvt. Ltd. on 20.08.2024 and allotted the land admeasuring to 23,763 Sq. Mtr. At Jambhivali Industrial Area.
8. I say that, as per the order of Hon'ble Bombay High Court the M/s. SMS Envoclean Pvt. Ltd. will have to establish and commission new incineration facility within 12 months by obtaining all the statutory permissions from the concerned Government agencies.

I say that, the Applicant also have prayed before the Hon'ble Tribunal regarding EDC amount to levy on M/s. SMS Envoclean Pvt. Ltd. due to violation of environmental pollution norms, if any. But since the operation of existing Bio-Medical Waste Plant is under supervision of MPCB. Hence, both these issued raised by the Applicant i.e. EDC amount and violation of environmental pollution norms are not concerned with this Respondent.

10. I say that, there is no cause of action against this Respondent. In these circumstances, it is respectfully submitted that the application is misconceived and the applicant is not entitled to any relief claimed and therefore this Respondent prays that application be dismissed against this Respondent.

Respondent no. 4

VERIFICATION

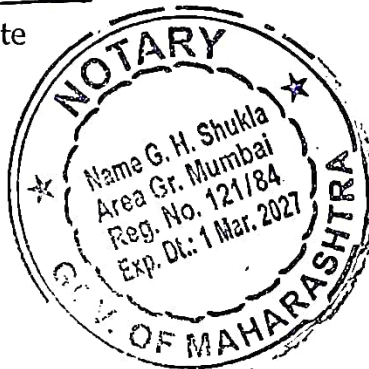
I, , Dhirajkumar D. Bangar., Age: Adult, Occupation - Service; working as Executive Engineer (SWM) Zone-II) Office Address- 411/412, 4th Floor, BMC Worli Garage Building, Dr. E. Moses Road, Worli Mumbai-400018 do hereby state on solemn affirmation on behalf of Respondent No. 4 - Brihanmumbai Municipal Corporation (BMC) that, the contents of this Affidavit in Reply are true and correct and explained it to me in vernacular language and same is true and correct to the best of my own knowledge and belief.

Solemnly affirmed at Mumbai)
This 8 NOV 2024 day of November 2024)

Deponent - D/L

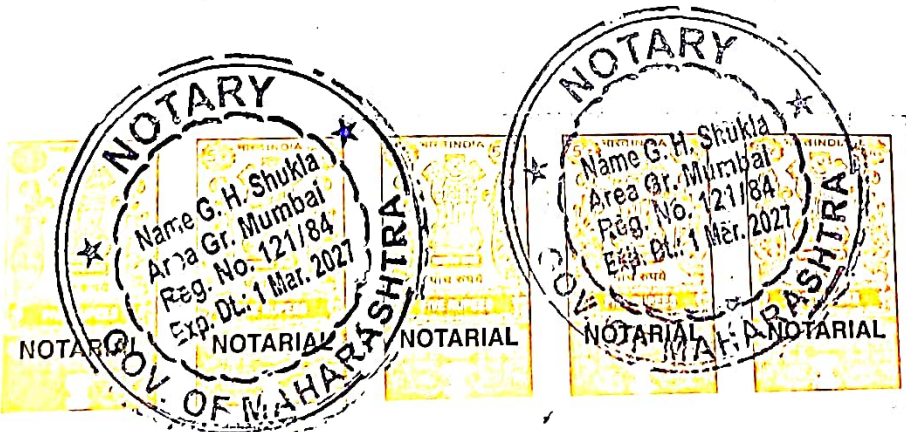
Identified & Explained By

[Signature]
Advocate



BEFORE ME
[Signature]
G. H. SHUKLA
NOTARY GREATER MUMBAI
Jagdamba Bhavan, Ground Floor,
Canpatrao Kadam Marg, Lower Parel,
MUMBAI - 400 013.

8 NOV 2024



NOTED & REGISTERED

Sr. No. 71220 Page No. 04
Book No. 27 Date 8 NOV 2024