

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

**EXECUTION APPLICATION NO.21 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO.75 OF 2021 (WZ)**



The Cliff Garden Co-op. Hsg. Society Ltd. Applicant

Versus

Gram Panchayat, Maan & Ors. Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF THE
MAHARASHTRA POLLUTION CONTROL BOARD i.e.
RESPONDENT NO. 6.**

I, Vidyasagar Killedar, aged about 49 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-II having office at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411 003, do hereby state on solemn affirmation as under :-

- (1) I am filing the said Affidavit in Reply in compliance of the Order dated 11/10/2023 passed by this Hon'ble Tribunal.
- (2) I say and submit that the present Execution Application is filed against the Respondent No.1- Gram Panchayat Maan- to seek execution of the order dated 22/02/2023 passed by this Hon'ble Tribunal, wherein, the Hon'ble NGT directed that Respondent

No.1 Gram Panchayat Maan shall deposit an amount of Rs.34,00,000/- towards Environmental Damage Compensation with Respondent No.6-MPCB.

- (3) I say and submit that in compliance of the Order dtd.22/02/2023 passed by this Hon'ble NGT (WZ) in the Original Application No.75/2021, the Respondent No.6-MPCB has calculated the Environmental Compensation based on the principles laid down by the Principal Bench of this Hon'ble Tribunal in Original Application No.606/2018, amounting to Rs.34,00,000/-. Accordingly, the Respondent No.6-MPCB has sent e-mail dated 27/3/2023 and issued a letter dated 12/05/2023 to the Respondent No.1 -Gram Panchayat Maan for compliance with the said order of Hon'ble NGT (WZ). Copies of the Email 27/03/2023 and letter dated 12/05/2023 are collectively attached as an **Annexure-I**.
- (4) I say and submit that thereafter the Respondent No.6-MPCB has again issued a Letter dated 03/11/2023 regarding the compliance of the said order issued by Hon'ble NGT (WZ) in Original Application no. 75/2021 to the Respondent No.1. Gram Panchayat Maan. A Copy of Letter issued dated 03/11/2023 is attached as an **Annexure-II**.
- (5) I say and submit that in compliance of the order dated 22/2/2023 and based on the non-compliance period calculated, the Respondent No.6-MPCB has assessed the Environment Compensation against the Respondent No.1 as follows :



Period = 1/4/2020 to 31/10/2023 = 43 months

Compensation to be assessed as per Order dated 24/1/2020 passed by the Hon'ble NGT, Principal Bench in O.A. No.606/2018 = Rs.1 Lakh per month

i.e. Rs.1 Lakh X 43 Months = Rs.43,00,000/- (Rupees Forty Three Lakhs).

- (6) I say and submit that accordingly, the Respondent No.6-MPCB has issued a letter dated 17/11/2023 to Gram Panchayat Maan and directed to deposit an amount of Rs.43 Lakhs. A copy of the letter dated 17/11/2023 is attached as an **Annexure-'III'**.

Solemnly affirmed on this 21 NOV 2023 day of November, 2023 at Pune.

I know the affiant

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 6.

Billedar
21/11/2023

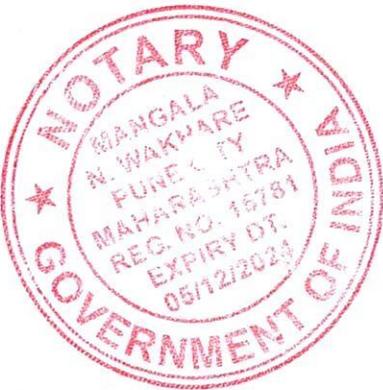
ADVOCATE

(Vidyasagar Killedar)
Sub-Regional Officer,
MPCB Pune -II

BEFORE ME

Mangala N. Wakhare
MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

21 NOV 2023



Fw: NGT Order - O A 75/2021 The Cliff Garden Condominium B & C vs. Gram Panchayat Maan

SRO Pune 2 <sropune2@mpcb.gov.in>

Mon 3/27/2023 12:59 PM

To: collector.pune@maharashtra.gov.in <collector.pune@maharashtra.gov.in>; lawofficerpune@gmail.com <lawofficerpune@gmail.com>; grampanchayatmaan@gmail.com <grampanchayatmaan@gmail.com>
Cc: Dr. Y. B. Sontakke <jdwater@mpcb.gov.in>; Legal Retainer <legalretainer@mpcb.gov.in>; Netra Chaphekar <lo@mpcb.gov.in>; RO Pune <ropune@mpcb.gov.in>

1 attachments (528 KB)

OA 75.2021 final Cliff garden vs. grampanchayat maan 22.2.2023.pdf;

Sir,

Forwarding herewith Hon'ble NGT (WZ) order in the matter O A 75/2021 The Cliff Garden Condominium B & C vs. Gram Panchayat Maan for information and needful please.

Hon'ble NGT has directed as below:-

"(i). The Respondent No. 1 shall take steps for setting up MSW Processing Plant at the earliest and that if they are not able to set up the same, the MPCB shall calculate the environmental compensation based on the principles laid down by the Principal Bench of this Tribunal in Original Application No. 606/2018 and the same would be realized from the Respondent No. 1 as mentioned above in para no. 16. The said amount shall be realized within a period of two months.

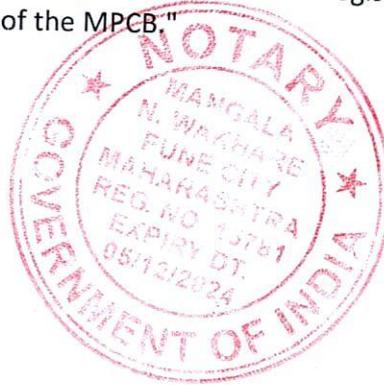
(ii). The Respondent No. 3/District Collector, Pune shall provide land to the Respondent No. 1 for setting up the MSW Processing Plant at the earliest.

(iii). Whatever amount of compensation is being realized, the same shall be utilized within 06(six) months thereafter by the MPCB for the restoration of the environment in the area concerned.

(iv). A compliance report shall be submitted to the Registry of this Tribunal and shall also be uploaded on the website of the MPCB."

submitted please.

You are requested to
Nitin Shinde
Sub-Regional Officer,
MPCB, Pune-II.



Item No. 7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 75/2021(WZ)

The Cliff Garden Condominium B & C & Ors.

.....Applicant(s)

Versus

Gram Panchayat, Maan & Ors.

....Respondent(s)

Date of hearing: 22.02.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant	:	Mr. Saurabh Kulkarni, Advocate
Respondent(s)	:	Ms. Sidhi Mirghe, Advocate for R-1/Gram Panchayat Mrs. Swati Vaidya Pandit, Advocate for R-3/Collector, Pune Mr. Aniruddha Kulkarni, Advocate for R-4/CPCB & R-5/Envt. Department Ms. Manasi Joshi, Advocate for R-6/MPCB Ms. Shyamali Gadre, Advocate for R-7/MIDC Mr. Sameer Khale, Advocate for R-8/PMRDA Mr. Rahul Garg, Advocate for R-10/MoEF&CC



ORDER

1. The present application has been filed with the prayer that the Respondent No. 1/Gram Panchayat, Maan be restrained from dumping the garbage, waste material, sewage and sludge waste or any other polluting material adjacent to the Applicants residential project.

2. The brief facts of this case are that the Applicants are the association of the apartment holders, who have purchased the flats in the project known as "The Cliff Garden" constructed by the Promoter VH Township Pvt. Ltd., which was floated on a part portion of Plot No. R 2/1 & R 2/2 admeasuring 1,84,432 Sq. Mtrs, situated at Rajiv Gandhi Info Tech Park, Phase III, Village: Maan, Tal.: Mulshi, District- Pune. The

Respondent No. 1/Gram Panchayat, Maan has started dumping the raw and unsegregated garbage and raw untreated sewage waste along the boundary of the said project. Hence, above prayers have been made.

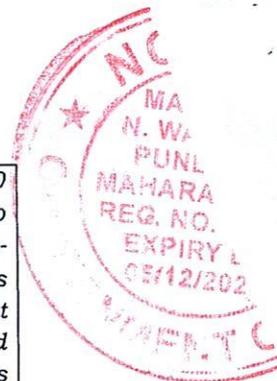
3. The matter was first considered by the Predecessor Bench on 10.03.2022 and a Joint Committee was constituted comprising Secretary, Rural Development, Director Panchayat, Director Environment, State PCB and Collector, Pune to ascertain the facts and submit a report.

4. Pursuant to the same, the Joint Committee report was submitted on 16.11.2022, which is reproduced here-in below for the sake of convenience:-

1.	Shri. Sanjay Dhamal, Assistant block Development Officer, Panchyat Samiti Mulshi, Zilla Prishad on behalf of Project Director, Jal jeevan Mission, Pune (deputed as representative of Rural Development Secretary, Government of Maharashtra (GoM)	Representative of the Secretary, Rural Development.
2.	Shri. Madan H. Shelar, Village Development Officer, Maan Gram panchayat, Tal- Mulshi, Dist. Pune.	Representative of Director Panchayat
3.	Shri. Sanjay Sandashive, Under Secretary, Environment Dept., government of Maharashtra (GoM)	Representative of Director, Environment.
4.	Shri. Shankar Waghmare, Regional Officer, MPCB Pune.	Regional Officer, MPCB Pune.
5.	Shri. Shrikant Misal, Nayab Tehsildar, Mulshi.	Representative of the Collector, Pune.

The point-wise observations of the joint committee is as below:

Sr. No.	Grievances of the Applicant	Joint Committee observations.
1.	Raw unsegregated, untreated and unprocessed garbage from all companies, residential complexes, villages is being illegally dumped every day.	The village Maan, Tal, Mulshi, Dist. Pune generated 20.0 to 25.0 MT/Day as Municipal Solid Waste as reported by local body. The said gram Panchyat has dumped the MSW generated at



2.	<p>The illegal dumping is most probably on "forest" land. Big trees have been cut and garbage is being dumped on this land. An illegal road has been made through probably the "Forest" land which is used by the tractors/ trucks for dumping garbage.</p>	<p>S. No. 262 since last 25 to 30 years. This land belongs to Government of Maharashtra-Gayran (grazing land) as reported by Grampanchayat Maan vide letter dated 13.10.2022. The said location is 200 mtrs. away (aerial distance) from the Cliff Garden condominium residential society. Presently about 2000 tonnes of MSW found dumped at the site.</p> <p>The mann Grampanchayat has stopped the dumping of MSW at above locations and given for reprocessing and disposal of MSW generated within their area to M/s ABHAY BIO CNG PVT. LTD., S. No. 300/1, Village - Maan, Tal, Mulshi, Distance Pune. Since October, 2022.</p> <p>The committee visited the said MSW reprocessing plant and during the visit same was found in operation. This facility consists segregation ramp for Dry Solid Waste, Bailing Machine for dry waste, and composing. Further the facility representative informed that the Wet Waste is being sent to village Lavale, Tal. Mulshi, Dist-Pune for wind rows composing. As no composting facility at S. No. 300/1, village Maan, Tal-Mulshi Dist- Pune.</p> <p>The Committee observed that the said plant was not operated properly i.e. as there is no proper collection, storage arrangement and no composting at site.</p>
3.	<p>Raw sludge from sewage Treatment plants (STP's) is also being dumped along with garbage.</p>	<p>The Maan Grampanchayat has provided fullfledged Sewage Treatment Plant based on SBR technology having treatment capacity of 2.0 MLD. During the visit STP was found in operation. Treated sewage is being disposed in nearby</p>



		natural drainage after disinfection. The sludge generated is used as manure. The Board has granted Consent to Establish on 20.01.2017 subsequently applied for Consent to Operate. No raw STP sludge was observed at dumping site. STP photographs are attached herewith as Annexure- I
4.	There is a huge unbearable stench in the entire area.	Presently Grampanchayat has stopped the dumping of MSW at site in question. During visit of Joint Committee no abnormal smell observed. However, during rainy season if dumping continued then possibility of smell nuisance cannot be ruled out.
5.	The garbage is rotting and spoiling the entire environment.	The Mann Grampanchayat has prepared the DPR to dispose off the previously dumped MSW at S. No. 262 and submitted for technical approval to Maharashtra Jeevan Pradhikaran (MJP) on 06.09.2022, as reported by local body.
6.	There are lot of mosquitoes, stray rabid dogs, stray pigs, rats etc. in and around the garbage dump.	
11.	During monsoon, the rain water from the hills gets mixed with the rotting garbage and then flows onto the roads and into wells and farm lands. This contaminated water is also a huge health risk.	During the visit there was no well found nearby vicinity however during the rainy season leachates may generates.
12.	Respondent No. 2 & 8 have failed to discharge their statutory duties with respect to handling of the MSW Rules.	MPC Board has communicated to Grampanchayat Mann to stop unscientific disposal of Municipal Solid Waste generated from their area vide letter dated 12.11.2021, 21.04.2022, 05.08.2022 subsequently hearing was extended to Mann Grampanchayat by Regional Officer, MPCB Pune on 06.10.2022 and conditional directions are issued on 19.10.2022 and the same are

		<p>attached as Annexure- II. The Maan Grampanchayat vide their letter dated 13.10.2022 and 09.11.2022 informed that they have stopped the dumping of MSW at site in question and prepared DPR for scientific disposal of previously dumped MSW. The DPR have been submitted to MJP vide their letter dated 06.09.2022 for technical sanction thereafter the previously dumped MSW will be disposed off 100 %. The copies of reply submitted by Grampanchayat.</p>
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Conclusion and Recommendations:-

- 1) *By considering the above, the Maan Grampanchayat has dumped about 2000 MT of MSW unscientifically at S. No.262 since last 25 to 30 years.*
- 2) *The Grampanchayat Maan shall take the follow up with MJP for technical approval for scientific disposal of accumulated MSW waste. Accordingly they shall submit the time bound program for the disposal of the accumulated MSW. Till that time they shall take necessary precautions so as to avoid burning of MSW and minimization of leachate generation.*
- 3) *The Maan Grampanchayat shall ensure that the MSW generated within their area shall be disposed of scientifically.*
- 4) *The Maan Grampanchayat shall continue the operation of Sewage Treatment Plant and the sludge generated shall be disposed off scientifically."*

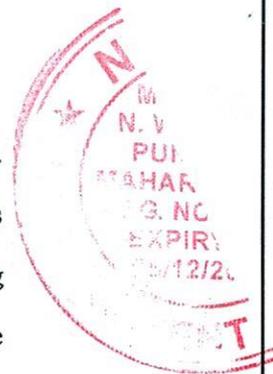
5. The stand by the **Respondent No. 1/Gram Panchayat, Maan** is that the 68% area of the MIDC falls within the limit of Village Maan. It is the responsibility of the Respondent No. 7/MIDC to provide basic amenity of STP and MSW to township and companies falling under their jurisdiction. As per the Notification dated 13.09.2019, the Respondent No. 7 is empowered to collect taxes of Residential Townships and Companies. The Answering Respondent vide letter dated 31.12.2018 requested the Respondent No. 7 to allot land for setting up STP and MSW disposal facility. But no effective response was given. Thereafter, vide



letter dated 14.03.2022, the MIDC informed the Answering Respondent that the Respondent No. 7 will implement its own STP and MSW disposal facility by using the modern technologies. The Answering Respondent i.e. Grampanchayat of Village Maan, Taluka: Mulshi, District: Pune was established in the year 1956, the current population of the said Village is 50,000 approximately. The Grampanchayat Maan along-with other Villages Hinjewadi and Maruji were notified by the MIDC for establishment of IT Park and industries in the name of Rajiv Gandhi Info-Tech Park. After receiving complaints from various residents and localities regarding excessive dumping of solid waste on the said Survey No. 262 being the common village land (grazing land), the Answering Respondent wrote a letter dated 31.12.2018 to the Respondent No. 7 requesting to provide a vacant land admeasuring 60R to the Respondent No. 1 for establishing MSW disposal plant because 68% of the MIDC area fell under Village Maan. But no steps were taken at the end of Respondent No. 7. Thereafter, the Answering Respondent issued a letter to Respondent No. 8/PMRDA being the Planning Authority but no reply was received from their end. Thereafter, the Answering Respondent wrote a letter dated 16.03.2022 to the Respondent No. 3/District Collector, Pune, requested for providing the land to establish the MSW disposal plant but did not receive any reply from their end. A letter dated 14.03.2022 was received from the Respondent No. 7 denying the request of the Applicant for allotment of land for setting up MSW disposal plant. Thereafter, the Answering Respondent appointed a private entity by the name M/s. Abhay Bio CNG Pvt. on 25.03.2021 for reprocessing and disposing of the MSW generated within the limits of Maan Grampanchayat. Rest of the contents are taken from the Joint Committee Report.

6. From the side of **Respondent No. 7/MIDC**, learned Counsel Ms. Shyamali Gadre has appeared, who apprised us that no specific prayers have been made **against** the Answering Respondent. The Answering Respondent being the appropriate Planning Authority under the provisions of Section 40 (1A) of the Maharashtra Regional and Town Planning Act, 1966 (MRTP), is required to provide the basic infrastructure and amenities to the residents of the area. However, with respect to the illegal garbage dumping/solid waste dumping done on the boundary of the project, it is submitted that the said area is beyond the limits of the Corporation as per the joint inspection report. The illegal dumping is most probably done on the "Forest Lands". The Answering Respondent intends to set up a World Class Modern Technology based infrastructure for Solid Waste Treatment Plant for which tenders have been issued. It is further submitted that the statement made by the Respondent No. 1 that 68% of the MIDC land falls within village Maan, is absolutely untrue. As per the consent issued by the MPCB for industries and residential units, it is made mandatory for the individual industry and residential units to dispose of the solid waste & sewage as per MPCB norms. The State Pollution Control Board is the controlling & monitoring authority for proper disposal of solid waste and sewage as per terms and conditions of the consent.

7. The stand of **Respondent No. 6/MPCB** is that the Respondent No. 1 has obtained Consent to Establish from the MPCB on 20.01.2017 for 2 MLD STP, which was valid for a period of 5 years or up to commissioning of the said plant, whichever is earlier. The Respondent No. 1 then applied for Consent to Operate for the said STP to MPCB on 20.10.2022. As per the said application for Consent to Operate, the Respondent No. 1 had started operation of the said STP on 27.09.2021 without obtaining





Consent to Operate. Therefore, a sum of Rs.1,33,750/- was assessed as penal charges for violation of consent for the period from 27.09.2021 to 20.10.2022 as per Circular issued by MPCB on 12.07.2022. Upon receipt of the said charges from the Answering Respondent to MPCB, the MPCB would issue the Consent to Operate to Answering Respondent for the said STP.

8. Further, it is submitted in the affidavit by the Respondent No. 6 that in compliance with the order of Principal Bench of this Tribunal in Original Application No. 606/2018 dated 24.01.2020, against the defaulting Respondent No. 1, environmental compensation has been calculated for the period from 01.04.2020 till 31.01.2023 i.e. for 34 months, which comes to Rs. 34,00,000/- (Rs. Thirty Four Lakhs).

9. From the side of **Respondent No. 4/CPCB and Respondent No. 5/Environment Department**, learned Counsel Mr. Aniruddha Kulkarni has appeared but no reply affidavit has been filed.

10. From the side of **Respondent No. 8/PMRDA**, learned Counsel Mr. Sameer Khale has appeared but no reply affidavit has been filed.

11. From the side of **Respondent No. 10/MoEF&CC**, learned Counsel Mr. Rahul Garg has appeared but no reply affidavit has been filed.

12. Heard the arguments of the learned Counsel for the parties and perused the record.

13. We find that it is evident from the Joint Committee Report that the Respondent No. 1 has stopped dumping of MSW at the site in question i.e. Survey No. 262, where the dumping was being done since the last 25 to 30 years. The Respondent No. 1 has also given contract to M/s. Abhay

Bio CNG Pvt. Ltd. for reprocessing and disposal of MSW generated within the local area.

14. The learned Counsel for the MPCB has made clear that Survey No. 300/1 is being used as a new place where the dumping has been done by the Respondent No. 1. It is also apprised by her that at Survey No. 300/1, MSW Processing Plant has been established by the Respondent No. 1, which was found operational at the time of visit. The said facility consists of segregation ramp for dry solid waste, bailing Machine for dry waste and composting. The wet waste is being sent to Village Lavale, Taluka: Mulshi, District: Pune for windrow composting. At Serial no. 2 in the Joint Committee observation, it is observed that no composting is being done at the site. Regarding STP, it is recorded in this report that though it was found in operation but the treated sewage is being disposed in nearby natural drainage after disinfection. No abnormal smell was found. It is also recorded in this report that the Respondent No. 1 has been communicated to stop unscientific disposal of solid municipal solid waste generated from the area.

15. From this report, it is absolutely clear that now there is no MSW being dumped at the earlier site i.e. Survey No. 262, regarding which the Applicants had made a complaint in the present application. During argument, it transpired that as regards legacy waste, 2000 tonnes of MSW was found dumped at the site, clearing of which is under process and the learned Counsel for the Applicants has also admitted that the same is being done at fast pace but some timeline should be fixed by this Tribunal so that it finally gets dispose of. We direct the Respondent No. 1 to ensure that the said legacy waste is cleared within a period of one year from the date of this order.





16. We find from the affidavit of MPCB that they have already calculated the compensation of Rs. 34 lakhs for the period from 01.04.2020 till 31.01.2023 based on the principles laid down by the Principal Bench of this Tribunal in Original Application No. 606/2018, although as per the work order, the said legacy has to be cleared by 04.01.2024, therefore, if beyond 31.01.2023, the work of clearing the legacy waste would still going on, the MPCB shall realize the compensation amount from the Respondent No. 1 for that remaining period as well, at the same rate or for the period till the entire waste is cleared.

17. We have also noted that the MSW Processing Plant has not been set up by the Respondent No. 1, which is their responsibility and that we are not convinced with the defense being taken by the Respondent No. 1 that the area of Respondent No. 1 is falling under MIDC, therefore, MIDC should provide for the setting up of the MSW Processing Plant.

18. We dispose of this Original Application with the following directions that:-

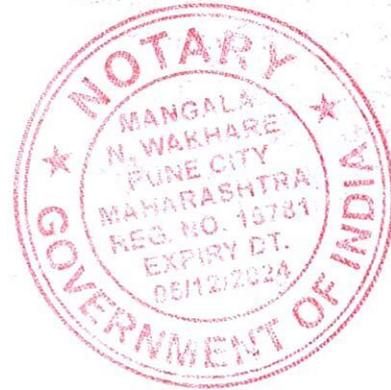
- (i). The Respondent No. 1 shall take steps for setting up MSW Processing Plant at the earliest and that if they are not able to set up the same, the MPCB shall calculate the environmental compensation based on the principles laid down by the Principal Bench of this Tribunal in Original Application No. 606/2018 and the same would be realized from the Respondent No. 1 as mentioned above in para no. 16. The said amount shall be realized within a period of two months.

- (ii). The Respondent No. 3/District Collector, Pune shall provide land to the Respondent No. 1 for setting up the MSW Processing Plant at the earliest.
- (iii). Whatever amount of compensation is being realized, the same shall be utilized within 06(six) months thereafter by the MPCB for the restoration of the environment in the area concerned.
- (iv). A compliance report shall be submitted to the Registry of this Tribunal and shall also be uploaded on the website of the MPCB.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 22, 2023
Original Application No. 75/2021(WZ)
P.Kr



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**MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE – PUNE-II**

Phone no.(020) 25811029



2nd floor, Jogcentre, Mumbai-
Pune Rd Wakdewadi, PUNE –
411 003

No. MPCB/SRP-2/Warning/

Date: 12/05/2023

To,

2305/2-FTS-0071

M/s. Maan Grampanchayat,
Vill.Maan, Tal.Mulshi,
Dist.Pune

Sub: - Regarding compliance of order issued by Hon'ble NGT (WZ) in the matter Original Application No. 75/2021(WZ) The Cliff Garden Condominium B & C & Ors.

Ref: - 1. Order of Hon'ble NGT (WZ) dated 22/02/2023
2. Email of this office dated 27/03/2023

With reference to above subject matter it is to inform you that Hon'ble NGT (WZ) has issued an order on 22/02/2023 in the matter Original Application No. 75/2021(WZ) The Cliff Garden Condominium B & C & Ors accordingly this office has already communicated to Maan Grampanchayat Maan Vide email dated 27/03/2023 (copy enclosed). In the said order Hon'ble NGT has directed as below:-

- "(i). The Respondent No. 1 shall take steps for setting up MSW Processing Plant at the earliest and that if they are not able to set up the same, the MPCB shall calculate the environmental compensation based on the principles laid down by the Principal Bench of this Tribunal in Original Application No. 606/2018 and the same would be realized from the Respondent No. 1 as mentioned above in para no. 16. The said amount shall be realized within a period of two months.
- (ii). The Respondent No. 3/District Collector, Pune shall provide land to the Respondent No. 1 for setting up the MSW Processing Plant at the earliest.
- (iii). Whatever amount of compensation is being realized, the same shall be utilized within 06(six) months thereafter by the MPCB for the restoration of the environment in the area concerned.
- (iv). A compliance report shall be submitted to the Registry of this Tribunal and shall also be uploaded on the website of the MPCB."

As per directions of Hon'ble NGT court please submit your compliance and present status/action plan within time frame.

Nitin Shinde

(Nitin Shinde)

Sub Regional Officer, Pune-2

o/c

Copy submitted for information and further needful please.

- 1) Hon'ble District Collector, Pune
- 2) Sub Divisional Officer, Maval/Mulshi
- 3) Tehsildar, Mulshi Taluka
- 4) Block Development Officer, Vill.Maan, Tal. Mulshi, Dist.Pune

Copy submitted for information

- 1) Joint Director (WPC), M.P.C.Board, Sion (HQ), Mumbai
- 2) Law Officer, M.P.C.Board, Sion (HQ), Mumbai
- 3) Regional Officer, M.P.C.Board, Pune-submitted for further legal action please.
- 4) Legal Retainer, M.P.C.Board Pune

MAHARASHTRA POLLUTION CONTROL BOARD SUB-REGIONAL OFFICE, PUNE- 2

Ph. 020-25811694
Fax. 020-25811029
E-mail-sropune2@mpcb.gov.in



Jog Center Bldg.
2nd floor, Wakdewadi,
Mumbai – Pune Highway,
Pune 411003

MPCB/ SROP2/231/03-FTS-0226

Date: 03/11/2023

REMINDER-I

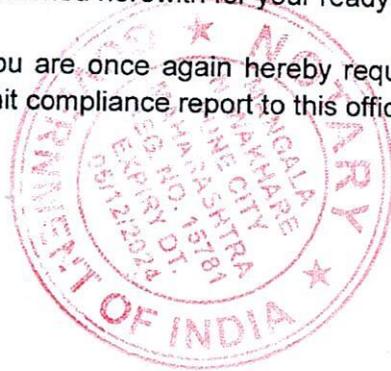
To,
M/s. Maan Grampachayat,
Vill. Maan, Tal. Mulshi,
Dist. Pune.

Sub: - Regarding compliance of order issued by Hon'ble NGT (WZ) in the matter Original Application No. 75/2021(WZ) The Cliff Garden Condominium B & C & Ors.

Ref.:- 1. Order of Hon'ble NGT (WZ) dated 22/02/2023
2. Email of this office dated 27/03/2023
3. This office letter dated 12/05/2023

With reference to above subject matter, this office has communicated to comply directions of Hon'ble NGT court please submit your compliance and present status / action plant within time frame vide letter dated 12/05/2023 (above reference no. 3). Copy of the said letter is attached herewith for your ready reference.

You are once again hereby requested to comply the directions of Hon'ble NGT court and submit compliance report to this office.



Billedar
03/11/2023

(V.V. Killedar)

Sub-Regional Officer, Pune-2

Copy submitted for information and further needful please.

- 1) Hon'ble District Collector, Pune
- 2) Sub Divisional Officer, Maval / Mulshi
- 3) Tahsildar, Mulshi Taluka
- 4) Block Development Officer, Vill. Maan, Tal. Mulshi, Dist. Pune.

Copy submitted for information.

- 1) Joint Director (WPC), M. P. C. Board, Sion (HQ), Mumbai.
- 2) Law Officer, M. P. C. Board, Sion (HQ), Mumbai.
- 3) Regional Officer, M. P. C. Board, Pune- Submitted for further legal action please
- 4) Legal Retainer, M. P. C. Board, Pune.

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MAHARASHTRA POLLUTION CONTROL BOARD SUB REGIONAL OFFICE – PUNE-II

Phone no.(020) 25811029



2nd floor,Jogcentre, Mumbai-
Pune Rd Wakdewadi, PUNE –
411 003

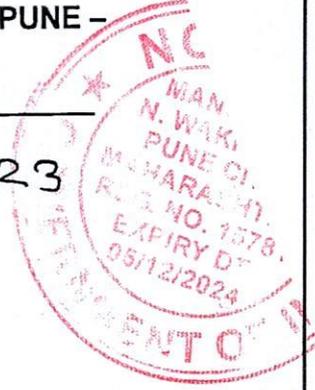
No. MPCB/SRP-2/Warning/

Date: 12/05/2023

To,

2305/2-FTS-0071

M/s. Maan Grampanchayat,
Vill.Maans, Tal.Mulshi,
Dist.Pune



Sub: - Regarding compliance of order issued by Hon'ble NGT (WZ) in the matter Original Application No. 75/2021(WZ) The Cliff Garden Condominium B & C & Ors.

Ref: - 1. Order of Hon'ble NGT (WZ) dated 22/02/2023
2. Email of this office dated 27/03/2023

With reference to above subject matter it is to inform you that Hon'ble NGT (WZ) has issued an order on 22/02/2023 in the matter Original Application No. 75/2021(WZ) The Cliff Garden Condominium B & C & Ors accordingly this office has already communicated to Maan Grampanchayat Maan Vide email dated 27/03/2023 (copy enclosed). In the said order Hon'ble NGT has directed as below:-

- "(i). The Respondent No. 1 shall take steps for setting up MSW Processing Plant at the earliest and that if they are not able to set up the same, the MPCB shall calculate the environmental compensation based on the principles laid down by the Principal Bench of this Tribunal in Original Application No. 606/2018 and the same would be realized from the Respondent No. 1 as mentioned above in para no. 16. The said amount shall be realized within a period of two months.
- (ii). The Respondent No. 3/District Collector, Pune shall provide land to the Respondent No. 1 for setting up the MSW Processing Plant at the earliest.
- (iii). Whatever amount of compensation is being realized, the same shall be utilized within 06(six) months thereafter by the MPCB for the restoration of the environment in the area concerned.
- (iv). A compliance report shall be submitted to the Registry of this Tribunal and shall also be uploaded on the website of the MPCB."

As per directions of Hon'ble NGT court please submit your compliance and present status/action plan within time frame.

Nitin Shinde

(Nitin Shinde)

Sub Regional Officer, Pune-2

o/c

Copy submitted for information and further needful please.

- 1) Hon'ble District Collector, Pune
- 2) Sub Divisional Officer, Maval/Mulshi
- 3) Tehsildar, Mulshi Taluka
- 4) Block Development Officer, Vill.Maans, Tal. Mulshi, Dist.Pune

Copy submitted for information

- 1) Joint Director (WPC), M.P.C.Board, Sion (HQ), Mumbai
- 2) Law Officer, M.P.C.Board, Sion (HQ), Mumbai
- 3) Regional Officer, M.P.C.Board, Pune-submitted for further legal action please.
- 4) Legal Retainer, M.P.C.Board Pune

MAHARASHTRA POLLUTION CONTROL BOARD REGIONAL OFFICE - PUNE

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdewadi,
Old-Pune Mumbai Road,
Pune- 411003

ROP | MPCB | 231117 - FTS - 0069

Date: 17/11/2023

To

Sarpanch/Village Development Officer,
Maan Grampanchayat,
Village : Maan, Tal: Mulshi,
Dist : Pune.

Sub : To deposit Environment Compensation.

Ref :1. Order dated 22/02/2023 passed by the Hon'ble National Green Tribunal, WZ, Pune in Original Application No.75/2021 filed by Cliff Gardan Condominium B & C & Ors. v/s Gram-Panchayat Maan & Ors.

2. This office e-mail dated 27/03/2023

3. This Office letters dtd. 12/05/2023 and 03/11/2023.

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Cliff Gardan Condominium B & C & Ors. has filed an Original Application bearing No.75/2021 against your Grampanchayat before the Hon'ble National Green Tribunal, Western Zone, Pune, for not complied with the Solid Waste Management Rules, 2016.

While disposing the aforesaid matter, the Hon'ble NGT vide order dated 22/2/2023 directed the Maharashtra Pollution Control Board (MPCB) to calculate the Environment Compensation based on the principles laid down by the Principal Bench of Hon'ble NGT in Original Application No.606/2018. Accordingly, the MPCB has calculated the Environment Compensation for the period from 01/04/2020 till 31/01/2023 i.e. for 34 months, which comes to Rs.34 Lakhs.

In compliance of the said Order, the MPCB vide e-mail dated 27/3/2023 and letters dated 12/5/2023 & 3/11/2023 directed to your Grampanchayat to submit the compliance report. However, you have failed to submit the compliance report as well as Environment Compensation.

In view of the above, you are directed to submit Environment Compensation from 01/04/2020 to 31/10/2023 as follows :

- (i) Period = 01/04/2020 to 31/10/2023
= 43 months

Compensation to be imposed as per the Order dated 24/01/2020 in OA No. 606/2018 = Rs. 1 Lakh / Month

Therefore = 1,00,000 x 43 months

= Rs. 43,00,000/- (Rupees Forty Three Lakhs only)

To deposit Environment Compensation of Rs. 43,00,000/- towards non-compliance of SWM Rules, 2016 for untreated Solid Waste to the tune of 20 to 25 MT / Per day i.e. Rs.1 Lakh/month from 1/4/2020 to 31/10/2023 (i.e. for 43 months)

In compliance of the order dated 22/02/2023 and based on the non-compliance period calculated, you are directed to deposit an amount of Rs. 43 Lakhs towards the damage already caused to the environment and recovery of Environmental Compensation as per 'Polluter Pay Principle', within a period of 15 days to the Maharashtra Pollution Control Board, which please note.



(Ravindra Andhale)
Regional Officer-Pune

Copy Submitted for information to :-

- 1) Hon'ble District Collector, Pune.
- 2) Sub Divisional Officer, Maval/Mulshi, Pune.
- 3) Tahasildar, Mulshi Taluka, Pune
- 4) Block Development Officer, Vill. Maan, Tal. Mulshi, Dist. Pune.

Copy to:-

- 1) Joint Director (APC), M.P.C. Board, Sion, Mumbai.
- 2) Law officer, M.P.C. Board, Sion, Mumbai.
- 3) Sub Regional Officer, Pune-2, MPCB Pune

