

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 130 of 2025 (WZ)**

Shivkumar Tippanna Nelge

... Applicant

Versus

**The Chakan Municipal Council Through
its Chief Officer & 8 Ors.**

... Respondents

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

I, Navanath Awatade, aged adult years, occupation – Service, the Sub Regional Officer of the Maharashtra Pollution Control Board at Pune II Region, having office address at 2rd Floor, Jog Centre, Wakdewadi, Pune – 411003, do hereby state on solemn affirmation as under –

- (1) I am filing this Affidavit in compliance of the Order dated 02/12/2025 passed by this Hon'ble NGT.
- (2) I say and submit that the present application is filed by the Applicant alleging that Respondent No.1- The Chakan Municipal Council, Respondent No.2- The Gram Panchayat Kharabwadi, Respondent No.3- The Gram Panchayat Biradwadi and Respondent No.4- The Rajgurunagar Municipal Council are

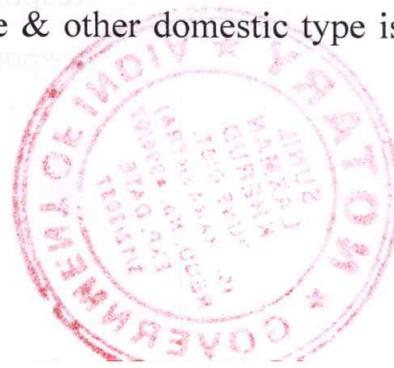


illegally dumping unsegregated municipal solid waste on private lands at Survey No.357 situated at Village Kharabwadi, Taluka Khed, District- Pune.

(3) I say and submit that one Mr. Ajay James, Director, Chakan Logistic Park Pvt. Ltd., has filed an Original Application No. 129 of 2024 (WZ) before this Hon'ble NGT, regarding illegal dumping of garbage near the company premises at Village Kharabwadi, Taluka Khed, District Pune. In the said matter, the Hon'ble NGT vide Order dated 31/5/2024 directed the MPC Board to submit the Action Taken Report. In compliance of the Order dated 31/5/2024, the MPC Board has submitted its report dated 12/07/2024 before this Hon'ble NGT, which was taken on record by this Hon'ble Tribunal and the matter was accordingly disposed vide Order dated 25/06/2025.

(4) I say and submit that in order to verify the present status, the official the Respondent-MPCB at Pune II visited the site in question on 29/01/2026 and observed as follows:

- I. The site is provided with metal sheet fencing toward the front side i.e. towards Chakan-Ambethan Road, with security & gate.
- II. The dumping of Municipal Solid Waste is found on daily basis by the Chakan Municipal Council, Chakan through Ghanta Gadies.
- III. The Solid Waste is having mixed type of waste i.e. dry waste, wet waste, plastic waste & other domestic type is



Solemnly affirmed on this 03rd day of February, 2026 at Pune.

I know the affiant

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

ADVOCATE

(Navanath Awatade)
Sub Regional Officer, Pune II



BEFORE ME

SUNIL LAXMAN KHURUD
NOTARY GOVT. OF INDIA
Regd. No. 4993/07
Noted Register No

SUNIL LAXMAN KHERUD
NOTARY-GOVT. OF INDIA
8/3, MANIRATAN SOCIETY,
RYANESHWAR PUNE-411009

03 FEB 2026





Ph. No. 9422742901

E-mail:
sropune2@mpcb.gov.in

Website:
www.mpcb.gov.in

Maharashtra Pollution Control Board
Sub Regional Office, Pune-II



"Your Service is our duty"



2nd Floor, Jog Center Bldg.
Mumbai-Pune Highway,
Wakdewadi, Pune-411 003

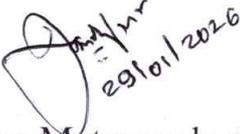
Annexure-I

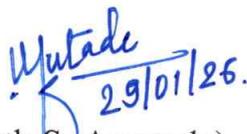
-: Inspection Report :-

Date: 29/01/2026

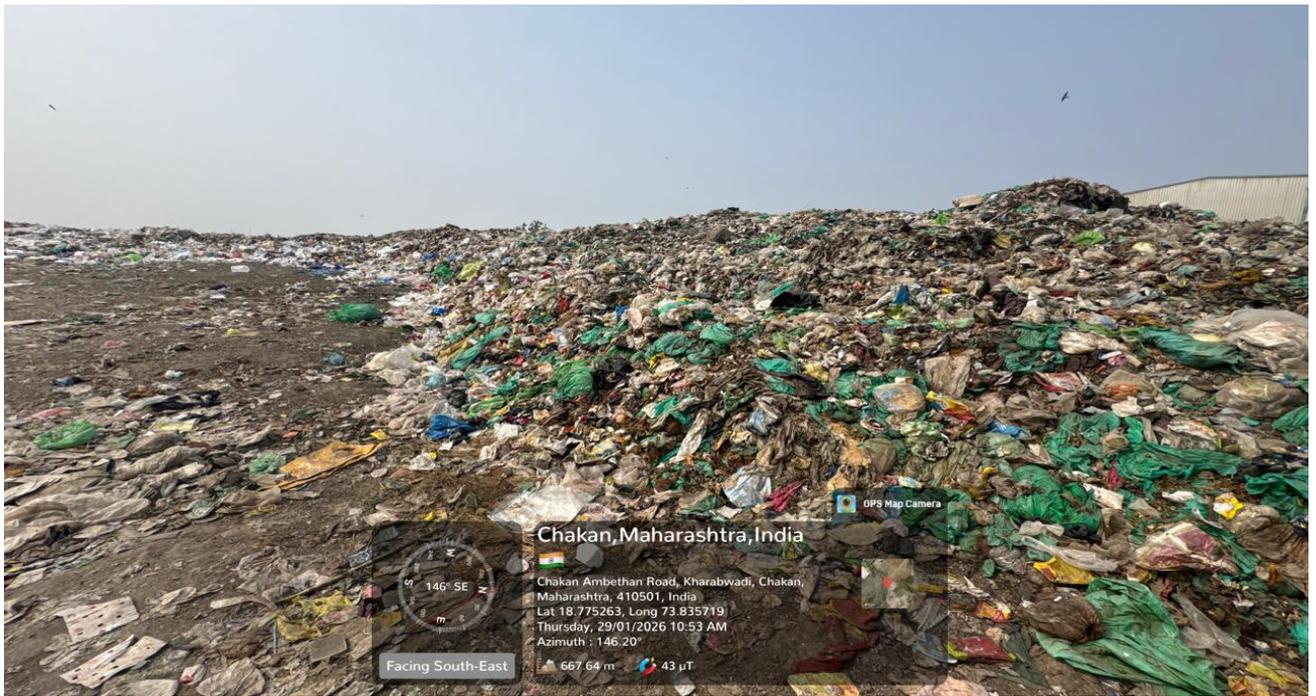
In compliance with the Hon'ble National Green Tribunal, order dtd. 02/12/2025, visited & verified the status of the solid waste disposal site i.e. located at Waghjai Nagar, along with the representative of Grampanchayat Kharabwadi, on 29/01/2026 & observed that :-

1. The said site is located on Chakan-Ambethan Road having Gat No. 357, Post. Waghjai Nagar, Kharabwadi, Tal. Khed, Dist. Pune.
2. The site is provided with metal sheet fencing towards, the front side i.e. towards Chakan-Ambethan Road, with security & gate.
3. The dumping of Municipal Solid Waste is found on daily basis by the Chakan Municipal Council, Chakan through Ghanta Gadies.
4. The Solid Waste is having mixed type of waste i.e. dry waste, wet waste, plastic waste & other domestic type is found scattered everywhere & created heaps of mixed waste, resulting into smell nuisance in the surrounding area.
5. At the East side of the dumping plot leachates has been formed & the leachate sample were taken for the analysis.
6. No any precautionary / preventive measures has been taken for prevention of pollution as per the Solid Waste Management Rule, 2016. The photographs have been taken at various locations.


(Sandeep Motegaonkar)
Field Officer,
Sub-Regional Office,
M.P.C. Board, Pune-II


(Navnath S. Awatade)
Sub-Regional Officer,
M.P.C. Board, Pune-II

218
Photographs



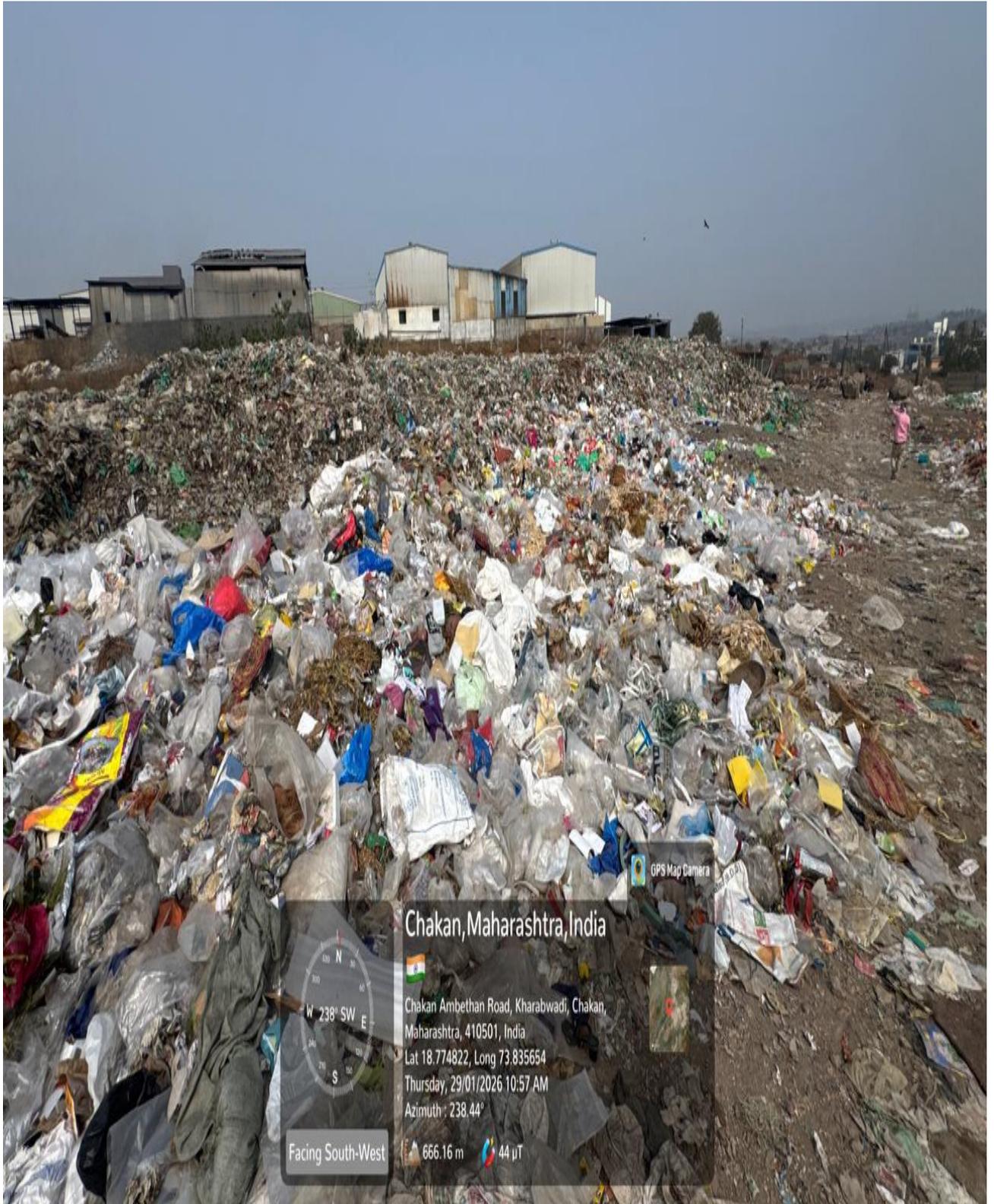
219
Photographs



220
Photographs



221
Photographs



GPS Map Camera

Chakan, Maharashtra, India

Chakan Ambethan Road, Kharabwadi, Chakan,
Maharashtra, 410501, India
Lat 18.774822, Long 73.835654
Thursday, 29/01/2026 10:57 AM
Azimuth: 238.44°

Facing South-West 666.16 m 44 µT

222
Photographs



**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

MPCB/ROP/PD/ 2407110003

Date: 11/07/2024

To,
Chief Officer,
Chakan Municipal Council,
Chakan, Tal. Khed, Dist. Pune.

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of Air (Prevention & Control of Pollution) Act, 1981.

Ref: Proposal for legal action submitted by the Sub Regional Officer, Pune-II vide no. MPCB-LEGAL_ACTIONS-070722009, Dtd. 10/07/2024

WHEREAS, your local body is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 followed by further amendments made therein from time to time.

AND WHEREAS, it is obligatory on your part to provide adequate pollution control devices and comply with the standards prescribed under the of Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, It is obligatory on your part to facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on your own or with private sector participation or through any agency for optimum utilization of various components of solid waste adopting suitable technology and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the State / Central Pollution Control Board.

AND WHEREAS, the Board Office has received various complaints regarding illegal dumping and burning of municipal solid waste at village Kharabwadi, Tal. Khed, Dist. Pune and surrounding area and also informed that, said location is not authorized for the disposal of municipal solid waste.

AND WHEREAS, the Sub Regional Officer, MPC Board Pune-II carried out the inspection at the dumping site and accordingly submitted the legal action proposal vide above reference and reported following non-compliances :

- (1) You have dumped mixed waste (Dry Waste & Wet Waste) generated from your local body (municipal council) into the old abandoned stone quarries unscientifically at Village Kharabwadi, Tal. Khed, Dist. Pune.
- (2) You have not installed processing and segregation plant for Municipal Solid Waste generated from your council area.
- (3) From the record it is observed that, burning of municipal solid waste at said site are happening frequently.

AND WHEREAS, due to burning of waste and illegal dumping of municipal solid waste at aforesaid site, the nuisance of air pollution was caused in the surrounding area.

..2..

AND WHEREAS, after examining the record of your case and reports of the officers of the Board, it has been concluded that, you have failed to comply with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and thereby causing air pollution into the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of the Air (Prevention & Control of Pollution) Act, 1981; I, Ravindra Andhale, Regional Officer of the M.P.C. Board, at Pune hereby issue directions as under :

1. Why the prosecution proposal shall not be filed against you and persons who are responsible for day to day affairs of the local body (council) before the court of Law under provision of Air (Prevention and Control of Pollution) Act, 1981 read with Environment (Protection) Act, 1986?
2. Why Environmental Compensation shall not be levied to the maximum amount recommended for improper Solid Waste Management as mentioned in the Hon'ble NGT order in O.A. No. 593/2017 in the matter Paryavaran Suraksha Samiti and Others V/s. Union of India?
3. Why proposal with recommendation for initiation of stringent action shall not be submitted to the Board's Competent Authority.

You are hereby given an opportunity to respond within 15 days with corrective action plan along with the short term measures and long term measures, from issuance of these directions, failing which, MPCB will initiate legal action against you without giving any further notice in accordance with the provisions of the Air (Prevention & Control of Pollution) Act, 1981 read with Environment (Protection) Act, 1986, which please note.

For and on behalf of
Maharashtra Pollution Control Board

(Ravindra Andhale)
Regional Officer,
M. P. C. Board Pune

Copy Submitted for information to :-

1. The Member, Secretary, M.P.C. Board, Mumbai.
2. The Hon'ble District Collector, Pune.
3. Joint Director (APC), M.P.C. Board, Mumbai.
4. Regional Officer (HQ), M.P.C. Board, Mumbai.
5. Law & Policy Div. M.P.C. Board Mumbai.

Copy to- The Sub-Regional Officer, M.P.C. Board, Pune-II :- You are directed to serve this letter and keep the follow up and report the compliance from time to time.

**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

MPCB/ROP/SWM/PD/[240711-FR-0507], Date: 11/07/24.

**To,
Block Development Officer,
Khed Taluka, Tal. Khed, Dist. Pune.**

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of Air (Prevention & Control of Pollution) Act, 1981.

Ref: Office Note submitted by the Sub Regional Officer, MPCB Pune-II vide no. MPCB-ON-3372, Dtd.10/07/2024.

WHEREAS, Grampanchayat Kharabwadi and Grampanchayat Biradwadi is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 followed by further amendments made therein from time to time.

AND WHEREAS, it is obligatory on your part to provide adequate pollution control devices and comply with the standards prescribed under the of Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, It is obligatory on your part to facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on your own or with private sector participation or through any agency for optimum utilization of various components of solid waste adopting suitable technology and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the State / Central Pollution Control Board.

AND WHEREAS, the Board Office has received various complaints regarding illegal dumping and burning of municipal solid waste at village Kharabwadi, Tal. Khed, Dist. Pune and surrounding area and also informed that, said location is not authorized for the disposal of municipal solid waste.

AND WHEREAS, the Sub Regional Officer, MPC Board Pune-II carried out the inspection at the dumping site and accordingly submitted the legal action proposal vide above reference and reported following non-compliances :

- (1) You have dumped mixed waste (Dry Waste & Wet Waste) generated from Grampanchayat Kharabwadi and Grampanchayat Biradwadi into the old abandoned stone quarries unscientifically at Village Kharabwadi, Tal. Khed, Dist. Pune.
- (2) You have not installed processing and segregation plant for Municipal Solid Waste generated from your Grampanchayat areas.
- (3) From the record it is observed that, burning of municipal solid waste at said site are happening frequently.

AND WHEREAS, due to burning of waste and illegal dumping of municipal solid waste at aforesaid site, the nuisance of air pollution was caused in the surrounding area.

..2..

AND WHEREAS, after examining the record of your case and reports of the officers of the Board, it has been concluded that, you have failed to comply with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and thereby causing air pollution into the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of the Air (Prevention & Control of Pollution) Act, 1981; I, Ravindra Andhale, Regional Officer of the M.P.C. Board, at Pune hereby issue directions as under :

1. Why the prosecution proposal shall not be filed against you and persons who are responsible for day to day affairs of the local body (Grampanchayat) before the court of Law under provision of Air (Prevention and Control of Pollution) Act, 1981 read with Environment (Protection) Act, 1986?
2. Why Environmental Compensation shall not be levied to the maximum amount recommended for improper Solid Waste Management as mentioned in the Hon'ble NGT order in O.A. No. 593/2017 in the matter Paryavaran Suraksha Samiti and Others V/s. Union of India?
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For and on behalf of
Maharashtra Pollution Control Board



(Ravindra Andhale)
Regional Officer,
M. P. C. Board Pune

Copy Submitted for information to :-

1. The Member, Secretary, M.P.C. Board, Mumbai.
2. The Hon'ble District Collector, Pune.
3. Chief Executive Officer, Zilla Parishad, Pune
4. Joint Director (APC), M.P.C. Board, Mumbai.
5. Regional Officer (HQ), M.P.C. Board, Mumbai.
6. Law & Policy Div. M.P.C. Board Mumbai.

Copy to- The Sub-Regional Officer, M.P.C. Board, Pune-II :- You are directed to serve this letter and keep the follow up and report the compliance from time to time.

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

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

Pune- 411003

MPCB/ROP/PR/ 2509030001

Date : 03/09/2025

To
The Chief Officer,
Chakan Municipal Council,
Tal. Khed, Dist. Pune.

Sub: Prosecution Notice under the provisions of the Water
(Prevention and Control of Pollution) Act, 1974

- Ref:
1. Proposed Directions issued by the Board vide no. MPCB/ROP/ PD/2407110003, Dtd. 11/7/2024
 2. Application filed before Hon'ble NGT vide OA No. 129/2024 (WZ) [earlier letter petition no. 46/2024] IA No. 42/2025
 3. Proposed Directions issued by the Board vide no. MPCB/ROP/ 2508190003, Dtd. 19/8/2025
 4. Legal Action Proposal submitted SRO Pune-II vide legal action number MPCB-LEGAL-ACTION-070722009 & 130825069
 5. Approval received from the Board's authority of legal action Proposal vide MPCB-LEGAL-ACTION-070722009 & Office Note MPCB-ON-3737 on 01/09/2025

WHEREAS, it is obligatory on your part to obtain Consent to Establish and Consent to Operate from the Maharashtra Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 & Authorization under the provisions of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016. It is also obligatory on your part to provide adequate pollution control systems.

AND WHEREAS, it is obligatory on your part to provide, operate and maintain an adequate and suitable Sewage Treatment Plant to treat the sewage generated in your jurisdiction and comply with the standards prescribed by the State / Central Pollution Control Board.

AND WHEREAS, the officials of the Board at Sub Regional Office Pune-II submitted the legal action proposal vide reference (4) above and therein reported that,

- (1) The Municipal Solid Waste (mixed) generated found openly dumped into non-operational quarry area at village Kharabwadi, Tal. Khed, Dist. Pune, therefore you have not developed the mechanism for collection, segregation, treatment /processing facility and scientific disposal of municipal solid waste generated from your council area.

- (2) You have not yet provided Sewage Treatment Plant to treat the entire Sewage generated (Approx Sewage Quantity – 4.0 MLD) from your local body.
- (3) You have discharging untreated sewage into the Mutkewadi Nalla, which further meets to the River Bhama.
- (4) You have not applied / obtained Consent to Establish for your proposed Sewage Treatment Plant.
- (5) You have not applied / obtained MSW authorization from Board.

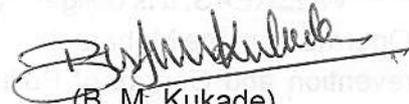
AND WHEREAS, in view of the above, it has been observed that you have failed to comply with the provisions under the Water (Prevention and Control of Pollution) Act, 1974 and failed to obtain consent to establish / operate from the Maharashtra Pollution Control Board and thereby discharging untreated effluent into the environment/into the nearby nalla, which meets to River Bhama and thereby causing water pollution into the environment affecting health of citizens.

AND WHEREAS, you are hereby called upon to show cause as to why prosecution shall not be lodged against your Municipal Council and persons who are responsible for day to day affairs of the Municipal Council under the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

Your reply to the said prosecution notice shall reach this office within a period of 10 days from the date of receipt of this notice, failing which, appropriate legal action shall be initiated against your Municipal Council and the persons who are responsible for day to day affairs of the Municipal Corporation/Municipal Council without giving you further opportunity, which may please be noted.

This notice issued with the approval of competent authority of the Board.

For and on behalf of
Maharashtra Pollution Control Board



(B. M. Kukade)
Regional Officer,
M. P. C. Board Pune

Copy submitted for favor of information to:-

1. The Member Secretary, MPCB, Mumbai.

Copy to:-

1. Joint Director (APC), MPCB, Mumbai.
2. Law Officer (P & L Div), MPCB, Mumbai.

Copy for information and necessary follow up action.

- Sub Regional Officer, MPCB, Pune-II