

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PUNE
(WESTERN ZONE)

ORIGINAL APPLICATION NO. 24 OF 2023

DISTRICT : NASHIK

Mr. Ajay Gulab Singh and Ors. ...APPLICANTS
Versus

The Secretary,
Environment Department
Government of Maharashtra and Ors. ...RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT
NO. 4

I, Pankaj Vishnu Gosavi, Age 36 years, Occu.: Service, (Chief Officer, Igatpuri Municipal Council) r/o. Municipal Quarter, Bara Bungalow, A/P.Tal. Igatpuri (Dist. Nashik), do hereby state so on solemn affirmation as under :-

1. I am working as the Chief Officer at the Igatpuri Municipal Council, Igatpuri, since 2021. I have been authorized to file the present Affidavit in reply on behalf of the respondent Municipal Council.



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NOTED & REGISTERED
at Serial No. 56872023
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2. I have gone through the original applications and the annexures thereto rather carefully. I am filing this short affidavit in reply, only with a view to oppose the admission of the present application and interim reliefs. I crave leave to file detailed affidavit in reply, if need be.

3. I say that unless any averments in the original application is specifically admitted by the present respondent, the same be considered as denied.
4. I say that the Original Application although has raised a question of seminal importance, however, the same is filed on the basis of incorrect and misconceived facts.
5. I would proceed to give a brief account of events so that this Hon'ble Tribunal has a complete overview about the problem faced by the Respondent no. 4, Municipal Council.
6. I say that the development plan for Igatpuri Municipal Council came to be approved by the State of Maharashtra on Reservation site no.22, Gat no. 234(pt). Igatpuri land is earmarked for the purposes of dumping waste in the said development plan. However the Maharashtra Pollution Board did not grant permission to the Municipal Council, Igatpuri to build a solid waste management plant on the said earmarked

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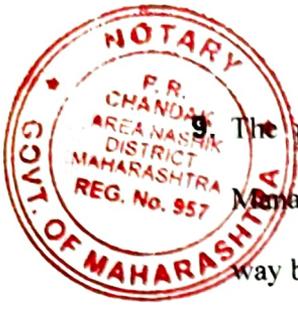
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land as the same was adjoining a waterbody which is used for supplying potable water to various parts of the city.

7. I say that the Municipal Council, as pointed out by the Original Applicant, is using the land situated at Golibar Maidan for dumping and processing the solid waste generated within the limits of the Igatpuri Municipal Council. However, the said land, having been situated in the heart of the city, has become a great concern for all the residents. Apart from the said land being insufficient for constructing a solid waste management plant, it has now become a breeding ground for various communicable and fatal diseases.
8. I say that having left with no course open the Municipal Council submitted a proposal to the government to shift the location of the Solid Waste Management Project away from the city. The Government approved the proposal to shift the solid waste management project away from the town to some other place situated at a distance of 6 to 7 kilometers from the town. Since the Municipal Council did not have its own land suitable to construct the solid waste management plant in the outskirts of town, it decided to buy 3 to 4 acres of land in a hilly area at Gut No. 37, Awalkhed.

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The process of selection of site/location of Solid Waste Management Project at Gut No. 37, Awalkhed, had started way back in the year 2002.

10. The Municipal Council had taken several measures to ensure the suitability of the said land for construction of the waste disposal plant over the said land, before finalising the said land. Accordingly, the Municipal Council obtained permissions from the Ground Water Survey Department on 13.01.2006 from the Pollution Control Board on 16.01.2006, from the Town Planning Department on 20.01.2006, from the Forest Department on 14.08.2007, and an NOC from the Gram Panchayat of Awal Khed village on 06.01.2006. The respondent Municipal Council finally purchased the land in the year 2008 with the administrative approval of the collector for Rupees four lakh sixteen thousand/-, which amount was sanctioned by the 12th Finance Commission.
11. The land was finalized for construction of the solid waste management plant in the meeting of the general body of the Municipal Council held on 23.12.2009.
12. I say that no sooner did the respondent Municipal Council started construction of the compound wall on the land in the year 2009, that one of the educational trusts namely,

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Aseema Public Trust, who is running a school at village Awal Khed, started raising objections to the said construction of the solid waste management plant at Awal Khed and filed complaint before the Divisional Commissioner Nashik. The Divisional Commissioner Nashik rejected the complaint raised by the said trust vide an order dated 6.05.2010.

13. I say that immediately on rejection of their complaint by the Divisional Commissioner, Nashik, the trustees of the Trust approached the Hon'ble High Court of Bombay challenging the said order by filing Writ Petition No. 4548 of 2010.
14. The Hon'ble High Court of Bombay directed the parties to maintain *status-quo* while issuing notices to the respondents including the present Municipal Council vide an order dated 21.06.2010 in Writ Petition No. 4548 of 2010, a copy of which is annexed herewith and marked at **Exhibit "RJ-1"**.
15. I say that the Hon'ble High Court after considering the fact that the land at Awalkhed was selected after following due procedure, modified the *ad-interim* order dated 21.06.2010 requiring the parties to maintain *status-quo* and directed the Maharashtra Pollution Control Board to consider

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as to which terms and conditions ought to be attached to the authorization letter within a period of two months while permitting the Municipal Council to construct the compound wall or road leading to the site in question vide order dated 02.08.2011 in Writ Petition No. 4548 of 2011, copy of which is annexed herewith and marked at **Exhibit "RJ-2"**.

16. The aforesaid Writ Petition came up for hearing before the Hon'ble High Court on 08.12.2011. The Hon'ble High Court clarified that the Municipal Council shall not in any case use the land for the purposes of dumping without seeking leave of the Hon'ble Court. Copy of the order dated 08.12.2011 in WP No. 4548 of 2011 is annexed herewith and marked at **Exhibit "RJ-3"**.

17. I say that in the meanwhile another Writ Petition being WP No. 9919 of 2012 came to filed by one Mr. Kamal Mehta and others, seeking direction against the Municipal Council to shift the dumping ground from the present site at Golibar Maidan to some other place. It was contended by the petitioner therein that the present dumping land was a private land whereas there was a hospital behind the said dumping ground. The Hon'ble High Court of Bombay, therefore, directed the Divisional Commissioner of the concerned region

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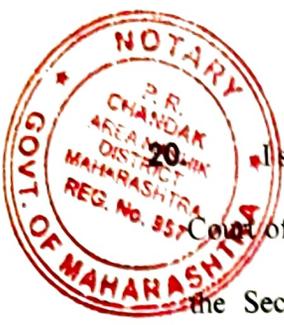


to look into the matter and submit a report regarding availability of alternate site for dumping the waste vide an order dated 05.03.2015 in Civil Application No. 396 of 2015 in WP No. 9919 of 2012, copy of which is annexed herewith and marked at **Exhibit "RJ-4"**.

18. Accordingly, the Divisional Commissioner appointed a committee to inspect alternate sites for constructing solid waste processing plant for Igatpuri Municipal Council. The committee headed by the Divisional Commissioner, Nashik inspected 6 alternate sites and found that none of those 6 alternate sites was suitable for construction of solid waste processing plant. The committee submitted its report to the Government Prosecutor (A.S.writ cell) Bombay High Court on 29/07/2015.
19. I say that in the meanwhile the Hon'ble High Court of Bombay directed the Principal Secretary to hold a meeting of all the stakeholders including the authorized representatives of the petitioners in the writ petitions pending before it, including the representatives of Awal Khed Gram Panchayat and submit a brief reasoned report before the Hon'ble High Court vide an order dated 19.11.2015, copy of which is annexed herewith and marked at **Exhibit "RJ-5"**.

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I say that pursuant to the directions of the Hon'ble High Court of Bombay, a meeting of the committee consisting of the Secretary (UD-2), Deputy Collector (Administration) Nashik, Chief Officer, Igatpuri Municipal Council, Assistant Divisional Director, Deputy Regional Officer, Pollution Control Board Nashik, the Assistant Director, Town Planning Nashik, representatives of the petitioners as well as the representatives of the Gram Panchayat Awalkhed was held in the chamber of the Secretary (UD-2) on 20.01.2016. The committee after hearing all the concerned including the parties to the proceedings in Writ Petition No. 4548 of 2010 and Writ Petition No. 9919 of 2012 and considering all other material showing due compliance with the Solid Waste Management Rules, 2016 submitted its report to the Government on 25/01/2016, a copy of which is annexed herewith and marked at Exhibit "RJ-6".

21. I say that the committee headed by the Secretary (UD-2), Urban Development Department, Mantralaya, Mumbai, assigned 11 reasons for it's decision that the site at Gut No. 37, Awalkhed, was suitable for the purpose of setting up solid waste management project and there was no need to change the same.

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I say that the writ petitions pending before the High Court could not be heard since the filing of the report by the committee headed by the Secretary (UD-2).

23. As the matter was not coming up for hearing, the respondent Municipal Council filed an Application for vacation of interim relief and urgent hearing of the Writ Petition being Civil Application No. 25 of 2019. The said Civil Application had come up for hearing before the High Court of Bombay. However, the same could not be heard for one or the other reason.

24. I say that the respondent Municipal Council is unable to construct the solid waste management plant at Gut No. 37, Awalkhed due to an interim order passed by the Hon'ble High Court of Bombay.

25. With a view to cope up with the situation during the interregnum, the Municipal Council is taking every possible step to ensure that the waste collected from the municipal limits of Igatpuri Municipal Council is treated before they are dumped on the existing dumping site. The respondent Municipal Council has commenced bio-sanitization process for treating disposal of the garbage dump at Golibar Maidan. The respondent Municipal council has also started door-to-

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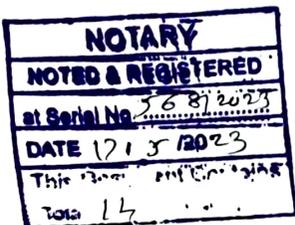
door collection of solid waste in compliance with the statutory provisions.

I say that the respondent Municipal Council has although started with the construction of the solid waste management plant by constructing a compound wall and carrying out and obtaining further necessary permissions is unable to shift the dumping ground from Golibar Maidan, Igatpuri, Gut No. 37, Awalkhed, due to pendency of the Writ petitions before the honorable High Court of Bombay.

27. The respondent Municipal Council is taking every possible step to get the matter pending before the High Court of Bombay disposed off. The respondent Municipal Council has instructed its advocate to circulate the matter for urgent hearing. The advocates for the respondent Municipal Council has circulated the aforesaid Writ Petition before the Hon'ble High Court of Bombay once again and the same shall come up for hearing on 13.06.2023.

28. I say that the respondent Municipal Council is taking every possible effort for shifting the present dumping ground to a suitable location outside the city.

29. I say that in the meanwhile the Government of Maharashtra appointed eco-pro environmental services,



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Indore, MP, for preparing a detailed project report for solid waste management, Igatpuri Municipal Council. The detailed project report runs into 60 pages. Copy of the relevant extract of the detailed project report prepared by the agency appointed by the Government of Maharashtra showing due compliance of Solid Waste Management Rules 2016 and regulations is annexed herewith and marked as Exhibit "RJ-7".

30. The Government of Maharashtra accorded administrative approval and financial sanction to the said detailed project report prepared by its agency vide order dated 09.04.2018, copy of which is annexed herewith and marked at Exhibit "RJ-8".
31. The project cost of the Solid Waste Management Project Igatpuri is Rs 313.31 lakhs/- whereas the Urban Development Department has accorded sanction and accordingly a budgetary provision for the same is made in March 2018.
32. I say that despite receiving administrative sanction the respondent Municipal Council is unable to proceed with the project for the reasons stated herein above.

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I say that grievances raised in the Original Application regarding non-treating of the waste etc. holds no good inasmuch as the respondent Municipal Council is trying to comply with the solid waste management rules.

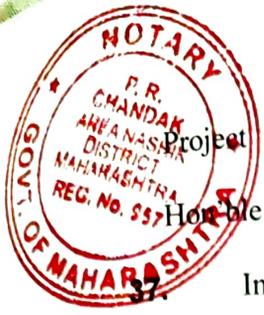
34. I further say that Maharashtra Pollution Control Board although had issued show-cause notice to the respondent Municipal Council, the same was duly replied by the respondent Municipal Council by elaborately explaining the difficulties faced by it due to the orders passed by the Hon'ble High Court of Bombay. Copy of the reply dated 22.12.2022 submitted by the respondent Municipal Council to the show cause notice of Maharashtra Pollution Control Board is annexed herewith and marked at Exhibit "RJ-9".

35. I deny that the respondent Municipal Council is unauthorizedly or illegally dumping the waste at Golibar Maidan. I say that the respondent Municipal Council is equally concerned for constructing the solid waste management plant and shifting the present dumping ground to the said area.

36. The respondent Municipal Council shall take immediate steps to complete the Solid Waste Management

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Project immediately after it receives permission from the Hon'ble High Court of Bombay.

In view of the above circumstances there is no substance in the Original Application filed by the application and deserves to be dismissed.

38. Hence the Affidavit in reply.

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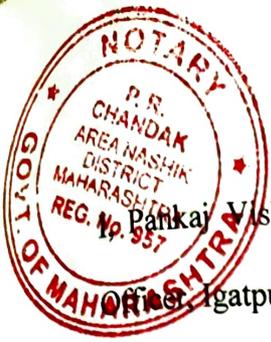
TALEKAR AND ASSOCIATES

PLACE: MUMBAI ADVOCATES FOR RESPONDENT NO.6

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SOLEMN AFFIRMATION

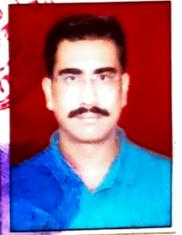


Pankaj Vishnu Gosavi, Age 36 years, Occu.: Service, (Chief Officer, Igatpuri Municipal Council) r/o. Municipal Quarter, Bara Bungalow, A/P.Tal. Igatpuri (Dist. Nashik), do hereby state on solemn affirmation that the contents of the above Affidavit in reply, from Para 1 to 38, are true and correct to the best of my knowledge and belief.

Hence, verified and signed at Igatpuri, this day on 17th day of May, 2023.

Identified by, Jivanlal R. Shaha

Advocate



Deponent

Pankaj Vishnu Gosavi
CHIEF OFFICER
IGATPURI MUNICIPAL COUNCIL

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solemnly affirmed before
me Pankaj Vishnu Gosavi
who is identified before
me by Jivanlal R. Shaha
or whom I personally know

BEFORE ME

Adv. P. R. Chandak
Notary Govt. of Maharashtra



FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

WRIT PETITION NO. 4548 OF 2010

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R. Dada – Sr. Advocate i/b. Maneksha &
Sethna for Petitioners.

Mr. S. R. Nargolkar - AGP for the State.

**CORAM : D. D. SINHA AND
MRS. MRIDULA BHATKAR, JJ.**

DATED : JUNE 21, 2010.

P.C. :

1. Heard the learned senior counsel for the petitioners. Issue notice, returnable on 19th July, 2010.
2. Parties to maintain status quo in the meantime.

(D. D. SINHA, J.)

(MRS. MRIDULA BHATKAR, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.4548 OF 2010

Dilbur Parakh & Others. ..Petitioners

Versus

The State of Maharashtra & Ors. ..Respondents

Mr. Rafiq Dada, Senior Advocate along with Mr. P.D. Ghandy with Sanidhi Vedpathak i/b. Maneksha & Sethna for petitioners.

Mr. S.N. Patil, AGP for Respondent No.1 and 2 for State.

Mrs. Manasi Joshi for Respondent No.4.

Mrs. S.S. Pakale i/b. Kiran Kumar Phakade for respondent No.3.

**CORAM : MOHIT S. SHAH, C. J. AND
GIRISH S. GODBOLE, J.
2 August 2011**

PC:

What is challenged in this petition under Article 226 of the Constitution is the order dated 6 May 2010 (Exhibit E) of the Divisional Commissioner, Nashik, rejecting the petitioners' complaint against the proposed setting up of Municipal Solid Waste Treatment & Disposal site on the land bearing Survey No.37 at Awalkheda in Taluka Igatpuri of District Nashik. The petitioners have also prayed for an injunction restraining the respondents from setting up the dumping ground on the above land.

3. The petitioners' challenge to the proposed setting up of Municipal solid waste disposal site is mainly based on the contention that the petitioners' Centre at Awalkheda is in the vicinity of the land in question and, therefore, the Municipal waste disposal site cannot be developed on the land in question.

4. The Municipal Solid Waste (Management & Handling) Rules, 2000 have been made by the Central Government in exercise of the powers conferred by Sections 3, 6 and 25 of the Environment (Protection) Act, 1986. Rule 5(2) of the Rules provides that the District Magistrate or the Deputy Commissioner of the concerned district shall have the overall responsibility for the enforcement of the provisions of these Rules within the territorial limits of their jurisdiction. As per Rule 6(2) of the said Rules, the State Pollution Control Board after the receipt of application from the municipal authority for grant of authorisation for setting up waste processing and disposal facility including landfills, shall examine the proposal taking into consideration the views of other agencies prior to issuing the authorisation. When the State Board decides to issue authorisation, it is to be issued in Form III to the municipal authority and the authorisation is to be valid for a given period and after expiry of the validity period, a fresh authorisation is required to be issued. Rule 7 provides that any municipal solid waste generated in a city or a town, shall be managed and handled in accordance with the compliance criteria and the procedure laid down in Schedule II to the Rules. Rule 7 further provides that the waste processing and disposal facilities to be set up by the municipal authority on their own or through an operator of a facility shall meet the specifications and standards as specified in Schedules III and IV. Schedule I to the Rules even provides for time limits within which the municipal authority must provide for such facilities for waste processing and disposal of the municipal waste. The date stipulated for this purpose was 31st December, 2003.

5. When the Igatpuri Municipal Council applied for authorisation

under Rule 6, by communication dated 16 January, 2006 (Annexure R-8) the Maharashtra Pollution Control Board issued the authorisation in the following terms:-

“To:

Date: 16.1.06.

The Chief Officer,
Igatpuri Municipal Council,
Igatpuri,
Tal. Igatpuri,
Dist. Nashik.

Sub: Proposal regarding arrangement of Solid Waste Land Filling Site Authorization.

Ref: 1. Municipal Solid Waste (Management and Handling) Rules, 2000.

2. Your Letter No. INP/Health/GL/S/4047/06 dated 15.1.2006.

3. Visit to the Aavalkhed village site dated 07.01.2006.

Sir,

With reference to the above mentioned subject it is hereby informed to you that this office has inspected the proposed premises of village Aavalkhed Boundary, Tal. Igatpuri, Dist. Nashik bearing Gat No.37 on 07.01.2006. The said premises is suitable for the Solid Waste Project. But, it is necessary to implement the proper remedies so that due to this proposed project, mainly in the rainy season no water pollution of cannal dam and lake will be caused and nuisance of rotten smell will not be spread in the surrounding areas. Also it is binding to obtain No Objection Certificate in respect of the said concerned premises from the Ground Water Survey Department, Health Department, Municipal Council Department, Planning Department and Revenue Department.

Yours faithfully,

Sd/-

(P.K. Mirashe)
Regional Officer, Nashik.”

6. The Igatpuri Municipal Council thereafter purchased the said land and started the work for proceeding to construct compound wall surrounding the land in question and also construct a road leading to the said land. The petitioners moved this Court by filing the present Writ Petition contending that since the educational centre being run by the petitioners' trust is in the vicinity of 500 meters of the land in question, the land in question is not suitable for municipal waste processing and disposal. Reference is made to the report prepared by the Deputy Commissioner (GAD) Nashik pursuant to the visit of the site on 5 May 2009 and the subsequent order dated 6 May 2010 rejecting the petitioners' complaint. In the affidavit in reply filed on behalf of the Igatpuri Municipal Council as well as on behalf of the Maharashtra Pollution Control Board, it is contended that the land in question is suitable for municipal waste processing and disposal facilities.

7. It is necessary to refer to the note submitted by the Pollution Control Board along with their affidavit in which the following statements are made:-

"Igatpuri Municipal Council is C Class local body and as per the 2001 census the population is 31539, presently about 5 to 6 MT Municipal Solid Waste is generated everyday in the city area and as per the MSW rules, Municipal Council has to set up plant for processing of the same waste. Although the rules notified in the year 2000 and time period specified for identification of landfill site for future use and making site ready for operation was upto 31.12.2002 or earlier and for setting up the facility was upto 31/12/2003 or earlier, due to non availability of required land in the municipal council area, the facility is not yet developed and the practice of the dumping of the waste in the area is still continue.

Now as per the provisions of the notification, Municipal Council was trying to get the land available for the project since 2002, however, as the city is located in the hilly area and no suitable land/options available in council area, they have selected site at Gat No.37, village Awalkhed, Tal. Igatpuri, Dist. Nashik which is a private land and obtained NOCs from the concerned departments, such as, Ground Water Survey Development Authority, Maharashtra Pollution Control Board, Forest Deptt., Grampanchayat Awalkhed, District Collector Nashik etc. and after following laid down procedure it is purchased for the MSW project site”.

“Environmental issues:

1. Location:

Proposed site is located at Gat No.37, village Awalkhed, Tal. Igatpuri, Dist. Nashik, at a distance more than 350 mtrs. from the village Awalkhed (population below 1000 souls as per the 2001 census). The village is located on the top of the slope of the area towards West side. The complainant’s educational trust is also located at village Awalkhed towards North – West side from the proposed site. It is also located on the top of the slope of the area.

The Municipal council Igatpuri has purchased 1.6 hecters of land in the low lying/hilly area at the bottom of the slope of the area. The municipal authority has proposed to set up a plant at the middle of the site. They have also proposed to provide following facilities at site:-

- a. The waste processing & disposal site will be fenced and provided with gate to prevent unauthorised entry.
- b. The approached roads to the site will be made and maintained regularly.

- c. The internal roads will be made to facilitate easy movement of the vehicles and tipping up of waste at site during monsoon.
- d. The toilets will be constructed for the employees working at site.
- e. The necessary green belt will be developed to control dust and fine waste.
- f. The necessary arrangements for leachate collection will be provided.
- g. The arrangements for safe drinking water and adequate water will also be made available for control of accidental fire if any.

2. Ground water – Open wells near proposed site:

Two open wells are in existence near the proposed site. One well, which is near to the site about 70 to 80 mtrs. is not used for drinking purpose but used for the other domestic purpose such as cloth washing, bathing etc. Other well is located about 100 mtrs. from the site is used as a drinking water source for villagers in the area. Both the wells are located on upstream side of the proposed site. The natural drain of the area flow is towards East side of the proposed site and Zoiti river flows towards South East side. The natural drain of the area is opposite and towards downstream side of the open wells hence there is no chance of any contamination/percolation of leachate from the proposed facility which will affect the quality of the existing well water.

3. Village Location:

Village Awalkhed and the complainant's school premises is located on the top of the slope of the area."



8. The Maharashtra Pollution Control Board has also submitted note (Exhibit "E" page 217) indicating that waste processing facility will not result into any ground water contamination. It is also provided that proper leachate collection and treatment arrangement will be provided.

9. It is not necessary to make further detailed reference to the said note annexed to the affidavit in reply, because in our view the State Pollution Board ought to consider imposition of terms and conditions as part of the authorisation. Rule 6(3) provides that the authorisation is to be issued in Form III. Form III reads as under:-

"FORM III

(See rule 6(2)

FORMAT FOR ISSUE OF AUTHORISATION

File No.....

Date:.....

To:

.....
.....
.....

Ref: Your application number dated

The State Pollution Control Board/Pollution Control Committee after examining the proposal hereby authorises having their administrative office at to set up and operate waste processing/waste disposal facility at on the terms and conditions (including the standards to comply) attached to this authorization letter.

- 1. The validity of this authorization is till After the validity, renewal of authorisation is to be sought.

2. The State Pollution Control Board/Pollution Control Committee may, at any time, revoke any of the conditions applicable under the authorisation and shall communicate the same in writing and shall communicate the same in writing.
3. Any violation of the provision of the Municipal Solid Wastes (Management and Handling) Rules, 2000 will attract the penal provision of the Environment (Protection) Act, 1986 (29 of 1986).

Date:.....

.....

Place

(Member-Secretary)
State Pollution Control Board/
Pollution Control Committee.”

It is thus clear that the terms and conditions subject to which the authorisation is to be granted by the Pollution Control Board ought to be attached to the authorisation letter. The observations made by the Maharashtra Pollution Control Board in their affidavit or in the notes to the affidavit cannot be treated as terms and conditions which would form part of the authorisation letter.

10. As regards the petitioners' contention that the Municipal Council is required to obtain environment clearance under the Notification dated 14 September 2006, the contention is not well founded. All that the Notification requires is prior environment clearance for "common Municipal Solid Waste Management facility". It is only when more than one Municipal Corporation or Municipal Council propose to have common solid waste management facility that the requirement to obtain environment clearance under the Notification dated 14 September 2006 will arise. In the instant case it is Igatpuri Municipal Council which proposes to have its own solid waste management facility and, therefore, there is no requirement of prior environment clearance.

11. In view of the above, we issue the following directions:-

(i) The Maharashtra Pollution Control Board shall, after giving notice to the officers and office bearers of the Igatpuri Municipal Council and the petitioners, consider as to which terms and conditions ought to be attached to the authorisation letter. This shall be done within a period of two months from today.

(ii) It is clarified that till the above exercise is carried out by the Maharashtra Pollution Control Board there is no stay against the construction of the compound wall or construction of the road leading to the site in question.

(iii) The learned Counsel for the Municipal Council states that it was after the Municipal Council had granted authorisation as far back as in 2006 that the petitioners purchased the land in question in the year 2009 and constructed the educational centre in the year 2010. We express no opinion on this issue.

(iv) The ad-interim order dated 21 June 2010 requiring the parties to maintain status quo is hereby modified in the aforesaid terms.

Stand over to 17 October 2011.

Parties to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

CHIEF JUSTICE

GIRISH S. GODBOLE, J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4548 OF 2010

Ms. Dilbur Parakh and ors.

.... Petitioners

vs

The State of Maharashtra & ors.

.... Respondents

Mr. Rafiq Dada, Senior Advocate with Mr. P.D. Gordhy i/by
M/s.Maneksha and Sethna for the petitioners.

Mr. S.N. Patil, AGP for respondent nos. 1 and 2.

Mr. S.S. Pakale i/by Kiran Kumar Phakade for respondent no.3.

Ms. Mansi Joshi for respondent no.4.

**CORAM: D. K. DESHMUKH &
ANOOP V. MOHTA, JJ.**

DATE : December 08, 2011

PC.:

Rule. Leave to amend. Amendment to be carried out within two weeks. Interim order which is presently operating shall continue to operate. It is clarified that the Respondents shall not in any case use the land for the purposes of dumping without seeking leave of this Court.



2 Place the matter for final hearing on 30 January 2012.

Respondents to file affidavit if they so desire well in advance.

(ANOOP V. MOHTA, J.)

(D. K. DESHMUKH, J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.396 OF 2015
IN
WRIT PETITION NO.9919 OF 2012

Mr. Kamal Mehta & Ors.

..Applicants.

Vs.

The Chief Officer, Igatpuri Municipal Council & Ors.

..Respondents.

WITH
CIVIL APPLICATION NO.394 OF 2015
AND
CIVIL APPLICATION NO.395 OF 2015

Mr. Shyam Mehta, Senior Advocate a/w Singh i/b Malvi Ranchoddas & Co., for Applicants.

Mr. Shrikant Aithal i/b Rustomji & Ginwala, for Applicants in Civil Appl.No.395/2015.

Mr. A.B. Vagyani, GP a/w Mr. P.G. Sawant AGP for State.

Mr. S.S. Pakale i/b Mr. A.R. Belge for Respondent No.1.

Ms. Sharmila Deshmukh for Respondent No.5.

**CORAM: NARESH H. PATIL &
A.S. GADKARI, JJ.**

DATE : 5th March 2015.

P.C.

Heard.

2 The learned Counsel appearing for the Petitioners submits that the part of the property which is used for dumping is private one and

behind it, there is a hospital. The said statement is disputed by the other side. The learned AGP on instructions states that the Divisional Commissioner would constitute to a Committee headed by the Divisional Commissioner.

3 We direct the Divisional Commissioner of the concerned region to look into the matter. A report be submitted regarding availability of alternate site.

4 Stand over to 26th March 2015 at 3 p.m.

(A.S. GADKARI, J.)

(NARESH H. PATIL, J.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Civil Application No. 396 of 2015

Mr. Kamal Mehta & others ... Applicants
V/s.

The Chief Officer, Igatpuri Municipal
Council & others ... Respondents

WITH

Civil Application No. 394 of 2015

Dilbur Parakh & others ... Applicants
V/s.

Mr. Kamal Mehta & ors. ... Respondents

WITH

Civil Application No. 395 of 2015

Mr. Suresh Soma Kewari & others ... Applicants
V/s.

Mr. Kamal Mehta & ors. ... Respondents

IN

WRIT PETITION NO. 9919 OF 2012

Mr. Kamal Mehta & others ... Petitioners
V/s.

The Chief Officer, Igatpuri Municipal
Council & others ... Respondents

WITH

WRIT PETITION NO. 4548 OF 2010

Dilbur Parakh & others ... Applicants
V/s.

The State of Maharashtra & ors. ... Respondents

WITH
WRIT PETITION NO. 10308 OF 2011

Mr. Soma Suresh Kewari & ors. Petitioners
v/s.

The State of Maharashtra & ors. Respondents

Mr. Aditya Bapat with Nikita i/b. Malvi Ranchoddas & co. for the applicant
in CAW 396/15.

Mr. Fredun D'vitre Senior Counsel a/w. Percy Gandhi a/w. Punthy Shah
i/b. Maneksho & Sethna for petitioners in WP No. 4548/2010.

Mr. S.S. Pakale i/b. Mr. A.R. Belge for respondent no.1 Municipal Council.

Mr. A.B. Vagyani, GP a/w. Mr. P.G. Sawant, AGP for the State.

Mr. H.V. Mehta & Parag Vyas for Union of India.

Ms. Sharmila U. Deshmukh for Pollution Control Board.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

19th November, 2015.

P.C.

The Chief Officer of Respondent no.1 Council is present in the Court. The learned Counsel appearing for the Municipal Council on instructions submits that a tender was floated for Bio Sanitization process for treating disposal of garbage dumped on the existing dumping site. Learned Counsel submits that within a week appropriate orders would be issued in favour of the successful bidders and process of sanitization of the garbage dumped on the existing dumping ground would thereafter

start.

2. The learned Government Pleader Shri Vagyani has placed on record minutes of the meeting held under the Chairmanship of the Principal Secretary, Urban Development Department on 4th September, 2015 consequent to our order passed on 3rd August, 2015. The copy of these minutes was served on the other side today itself. The same is taken on record and marked 'X-1' for identification. Learned Counsel appearing for the petitioner in Writ Petition No. 4548/2010 and 9919/12 submits that they were not invited to attend the meeting. If opportunity was provided then they would have put substantial issues before the Principal Secretary, according to learned Counsel. It was submitted that Awalkhed Gram Panchayat was also not represented in the meeting.

3. We have perused the minutes drawn. We find it appropriate that the Principal Secretary calls for a meeting to be attended by authorised representatives of the petitioners in Writ Petition No. 4548/2010 and 9919/2012. The notice of meeting shall be served through the learned Counsel appearing for the petitioners before this Court. The authorised representative of Awalkhed Gram Panchayat shall also be invited to attend the meeting. The representatives of Municipal Council, Maharashtra Pollution Control Board and any other technical experts/Government Officers as the Principal Secretary desires, shall also be invited for the meeting.

4. Learned Government Pleader submits that winter session of State Assembly is likely to commence from 7th December, 2015. Therefore, he

seeks some more time.

5. We expect the Principal Secretary to complete this exercise by 2nd week of January, 2016. A brief reasoned report be placed on record by the Principal Secretary after hearing the concerned parties. All issues on merits are kept open. Stand over to 25th January, 2015, to be listed under caption 'fresh matters'.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.

महाराष्ट्र शासन

क्र.एमयुएम-२०१२/प्र.क्र.७९/नवि-१७

नगर विकास विभाग, ४ था माळा,

मंत्रालय,

हुतात्मा राजगुरु चौक,

गादाग कागा मार्ग, मुंबई-४०० ०३२

ई-मेल-uddso१७@gmail.com

दि. २५ जानेवारी, २०१६

विषय :- रिट पिटीशन क्र. ९९१९/२०१२

कमल मेहता व इतर (सह इतर रिट याचिका)

विरुद्ध

महाराष्ट्र शासन व इतर

संदर्भ :- शासन पत्र समक्रमांक दि. १८.९.२०१५ तसेच दि. १९/११/२०१५ रोजीचे

शुध्दीपत्रक

महोदय,

उपरोक्त विषयानुषंगाने मा. उच्च न्यायालयाच्या आदेशानुसार सचिव (नवि - २) यांच्या अध्यक्षतेखाली दि. २०.०१.२०१६ रोजी घेण्यात आलेल्या बैठकीचे इतिवृत्त आवश्यक त्या कार्यवाहीसाठी पाठविण्यात येत आहे.

आपला,

(सुहास ममदापुरकर)

कक्ष अधिकारी, नगर विकास विभाग

प्रति,

१. आयुक्त तथा संचालक, नगर परिषद संचालनालय, वरळी, मुंबई-१८.
२. सह सचिव, (नगर रचना), नगर विकास विभाग, मंत्रालय, मुंबई ३२
३. उप सचिव, पथीकरण विभाग, मंत्रालय, मुंबई ३२
४. विभागीय आयुक्त, नाशिक विभाग.
५. जिल्हाधिकारी, नाशिक
६. सहायक संचालक, नगर रचना नाशिक.
७. प्रादेशिक अधिकारी, महाराष्ट्र प्रदुषण नियंत्रण मंडळ, नाशिक.
८. उपसंचालक, गुजल सर्वेक्षण विभाग, नाशिक.
९. मुख्याधिकारी, इगतपुरी नगर परिषद, जिल्हा नाशिक
१०. निवड नरती (नवि १७)

इगतपुरी नगर परिषद संचालनालय
पत्र आयक क्र. ५३०
दिनांक :- २८-१-२०१६
विभाग :-

नगर विकास विभाग/नवि-१७

रिट याचिका क्र.१९५९/२०१२ (सिव्हील अर्जक्र.३९६/२०१५), श्री.कमल मेहता व इतर विरुद्ध महाराष्ट्र शासन व इतर रिट याचिकांच्या अनुषंगाने इगतपुरी नगरपरिषदेअंतर्गत घनकचरा व्यवस्थापनाबाबत मा.उच्च न्यायालयाने दि.१९/११/२०१५ रोजी दिलेल्या आदेशानुसार मा.सचिव (नवि-२), नगरविकास विभाग यांचे अध्यक्षतेखाली दि.२०/०१/२०१६ रोजी आयोजित केलेल्या बैठकीचे इतिवृत्त:-

उपरोक्त बैठकीस पुढीलप्रमाणे उपस्थिती होती:-

अ.क्र.	नांव	पदनाम	स्वाक्षरी
१.	एन. बी. मुंडावरे	उपजिल्हाधिकारी, (प्र) नाशिक.	सही/-
२.	डॉ. म. राजा दयानिधी	मुख्याधिकारी, इगतपुरी नगरपरिषद	सही/-
३.	श्रीम. करुणा उहाळे	सहा.प्रादे. संचालक, नाशिक	सही/-
४.	श्री. संजय भोसले	उप प्रादे. अधिकारी, मप्रनि मंडळ, नाशिक	सही/-
५.	श्री. नंदकिशोर मोरे	सहा. नगररचनाकार नाशिक	सही/-
६.	श्री. सुधीर पै	सय्यगई ब.खीम ट्रस्ट (विपश्यना)	सही/-
७.	श्री. नारायण दासूरे	सय्यगई ब.खीम ट्रस्ट (विपश्यना)	सही/-
८.	श्री. वी.एम. कांबळे	सय्यगई ब.खीम ट्रस्ट (विपश्यना)	सही/-
९.	श्री. प्रकाश पडडीकल	सय्यगई ब.खीम ट्रस्ट (विपश्यना)	सही/-
१०.	श्रीम. स्नेहल पराजपे	असिमा	सही/-
११.	श्रीम. दीलबर परख	असिमा	सही/-
१२.	सा. भागुबाई पवार	उप सरपंच (अवळखेड)	सही/-
१३.	सा. मंगाबाई सोनू शींद	सरपंच (अवळखेड)	सही/-
१४.	श्री. एस.एम. अली	सह संचालक, नप्र संचालनालय	सही/-
१५.	श्री. ज.ना.पाटील	उप सचिव, नगर विकास विभाग	सही/-
१६.	श्री.सुहास मगदापुरकर	कक्ष अधिकारी, नगर विकास विभाग	सही/-

विचाराधीन न्यायालयीन प्रकरणाची दि.१९/११/२०१५ रोजी सुनावणी झाली असता त्यावेळी मा.उच्च न्यायालयाने सर्व संबंधितांची. महाराष्ट्र प्रदूषण नियंत्रण मंडळाच्या तसेच

आवळखेड ग्रामपंचायतीच्या प्रतीनिधींसह जानेवारीच्या २ र्या आठवड्यात पुन्हा बैठक घेण्याचे आदेश दिले आहेत. न्यायालयाच्या आदेशानुसार उपरोक्त बैठक आयोजित करण्यात आली आहे.

सदरहू बैठकीमध्ये विचाराधीन रिट याचिकेशी संबंधित खालील संस्थांच्या प्रतिनिधींनी खालील मुद्दे मांडले:-

असिमा संस्थेमार्फत श्रीम. दिलबर परख, अध्यक्ष-

१. आवळखेड, गट क्र.३७ येथील जागा इगतपुरी नगरपरिषदेने नागरी घनकचरा व्यवस्थापन प्रकल्पाकरिता सन-२००८ मध्ये निश्चित केली होती. तथापि, असिमा संस्थेने या आवळखेड आदिवासी गावात आदिवासी विद्यार्थ्यांकरिता शैक्षणिक केंद्रासाठी सन-२००६ मध्ये या ठिकाणालगतच जागा विकत घेतली होती.
२. नगरपरिषदेने जागा निश्चित करताना त्याबाबतचे जाहीर प्रकटन केलेले नव्हते.
३. शासकीय यंत्रणेने स्थानिक आदिवासींची फसवणूक करून जमीन घेतली आहे.
४. सदरहू प्रकल्पास स्थानिकांचा विरोध आहे. तसेच ग्रामपंचायतीने देखील ना-हरकत दिलेली नाही.
५. आवळखेड ग्रामपंचायती अंतर्गत गट क्र. ३७ येथील विचाराधीन जागा ही त्यांच्या संस्थेने आदिवासी मुलांकरिता सुरू केलेल्या शाळेच्या अगदी जवळ आहे.
६. सदरहू जागेच्या अगदी जवळून नदी वाहत आहे तसेच एका बाजूस पाण्याची विहीर आहे, ज्याचे पाणी त्यांची शाळा वापरते.
७. विभागीय आयुक्त, नाशिक यांनी सन-२००९ साली सदर जागेबाबत प्रतिकूल अहवाल दिला असून इतर संभाव्य ठिकाणी प्रकल्प हलविण्याचे सुचित केले आहे.
८. सदरहू जागेव्यतिरिक्त शासकीय मालकीची इतरही जमीन उपलब्ध आहे त्याबाबत शोध घेतला जाऊ शकतो. जवळपास असलेल्या चिंचलेखेरे या ठिकाणी अशी जमीन उपलब्ध असून त्याचा वापर करता येईल.

ब. विपश्यना विश्व विद्यापीठ-

सदर संस्थेच्या प्रतिनिधींनी गट क्र.३७ येथील प्रस्तावित जागेस विरोध दर्शविला नाही. मात्र सध्या संस्थेच्या आवाराबाहेर जो घनकचरा

टाकला जातो, त्याच्या दुर्गधीमुळे त्रास होत असून त्याची लवकरात लवकर विल्हेवाट लावण्याची विनंती केली.

क. सरपंच/उपसरपंच आवळखेड-

आवळखेड गावच्या सरपंच तसेच उपसरपंचांनी तत्कालीन सरपंच यांनी घनकचरा प्रकल्पाबाबत दिलेल्या ना-हरकतीबाबत अविश्वास व्यक्त केला आहे व कोणत्याही परिस्थितीत सदरहू प्रकल्प इतर कोणत्यातरी लांबच्या ठिकाणी हलविण्याची विनंती केली आहे.

असिमा संस्था, विपश्यना संस्था तसेच सरपंच/उपसरपंच आवळखेड यांच्या वरील सर्व मुद्यांसंदर्भात मुख्याधिकारी, इगतपुरी नगरपरिषद, जिल्हा नाशिक यांनी खालीलप्रमाणे मुद्येनिहाय खुलासा सादर केला:-

१. महाराष्ट्र नगरपरिषदा, नगरपंचायती व औद्योगिक नगरी अधिनियम, १९६५ तसेच घनकचरा व्यवस्थापन व हाताळणी नियम, २००० च्या तरतुदीनुसार संबंधित नगरपरिषदेने घनकचरा व्यवस्थापनासाठी अधिनियम/नियमातील तरतुदीची अंमलबजावणी करणे आवश्यक आहे.
२. इगतपुरी नगर परिषदेने आवळखेड येथील गट क्र. ३७ ही जमीन जरी सन-२००८ मध्ये विकत घेतली असली तरी, इगतपुरी नगरपरिषदेच्या घनकचरा व्यवस्थानासाठी जागेचा शोध घेण्याची कार्यवाही सन-२००२ पासूनच सुरू झाली होती.
३. इगतपुरी नगरपरिषदेमार्फत या प्रयोजनासाठी सन २००२ साली ५ शासकीय जमिनीची पाहणी करण्यात आली. तथापि, वरील ५ जागांपैकी एकही जागा निकषात बसत नसल्याने अंतिमतः नगर परिषदेने दि. ३०.११.२००५ रोजी दैनिक पुण्यनगरी येथे "घनकचरा व्यवस्थापन अंतर्गत खत प्रकल्प उभारणी करिता ३ ते ४ एकर जमीन विकत घेण्यासाठी देकार मागविले". (सदरहू ५ जागांमध्ये गट क्र. २०२ चा समावेश होता. जी कालांतराने असिमा संस्थेने दि. १९.०५.२००६ रोजी खरेदी केली.)
४. सदरहू जाहिरातीस अनुलक्षून श्रीम.वारघडे व इतर यांच्या मालकीची गट क्र. ३७ ही सुनिश्चित करण्यात आली. आवळखेड येथील गट क्र. ३७ ची जमीन या प्रकल्पासाठी योग्य असल्याबाबत पुढील ५ सक्षम प्राधिकाऱ्यांनी प्रमाणपत्र दिलेले आहे:-

(१) भूजल सर्वेक्षण विभाग, दि.१३/०१/२००६

(२) महाराष्ट्र प्रदूषण नियंत्रण मंडळ यांचे दि.१६/०१/२००६

(३) नगर रचना विभाग, दि.२०/०१/२००६

(४) सरपंच, आवळखेड ग्रामपंचायत यांचे ना-हरकत प्रमाणपत्र, दि.०६/०१/२००६

(५) वन परिक्षेत्र अधिकारी, दि.१४/०८/२००७

५. तथापि, आवळखेड येथील गट नं.३७ मधील प्रश्नाधीन जमीन ही आदिवासी मालकीची असल्यामुळे महाराष्ट्र जमीन महसूल अधिनियम, १९६६ च्या कलम ३६ व ३६ (अ) तसेच महाराष्ट्र जमीन महसूल जनजातीच्या व्यक्तींनी जनजातीएतरांकडे भोगाधिकार हस्तांतरित करणे नियम-१९७५ मधील तरतुदीनुसार आवश्यक ती परवानगी देणे कामी दि.१९/०१/२००६ रोजी तहसिलदार, इगतपुरी यांच्यामार्फत शासनास सादर करण्यात आला होता.
६. शासनाने दि.२९/०२/२००८ च्या जापनान्वये गट क्र.३७ आवळखेड या आदिवासी मालकीच्या जागेची खरेदी करण्यास दिलेल्या मान्यतेच्या अनुषंगाने जिल्हाधिकारी, नाशिक यांनी या संदर्भात दि.१५/०३/२००८ रोजी आवश्यक आदेश निर्गमित केले.
७. जिल्हाधिकारी, नाशिक यांनी दि.३०/०३/२००८ च्या आदेशान्वये सदरहू गट क्र.३७ मधील जागा खरेदी करण्यासाठी १२ व्या वित्त आयोगातून रु.४,१६,०००/- एवढ्या खर्चास मान्यता दिली.
८. जिल्हाधिकारी, नाशिक यांनी प्रश्नाधीन गट नं.३७ मधील घनकचरा व्यवस्थापनांतर्गत जागेस संरक्षण भित बांधणे व पोहोच रस्ता, अंतर्गत रस्ता बांधणे, इ. कामे १२ व्या वित्त आयोगातून उपलब्ध निधीतून करण्यासाठी रु.१९,६२,०५२/- एवढ्या खर्चास व कामास प्रशासकीय मान्यता दिली.

तथापि, मा.उच्च न्यायालयाच्या अंतरीम आदेशामुळे नगरपरिषदेने चालू केलेले संरक्षण भित व रस्त्याचे काम करता आलेले नाही.

९. प्रकल्पासाठीच्या प्रस्तावित जागेपासून नदी जवळ असल्याचा उल्लेख श्रीम.परख यांनी केला असला तरी ती नदी फक्त पावसाळ्यातच वाहते. तसेच प्रकल्पाच्या जागेपासून बरीच लांब आहे.
१०. प्रकल्पासाठीच्या प्रस्तावित जागेच्या अगदी जवळ पाण्याची विहीर असून प्रकल्पामुळे सदर विहीरीतील पाणी दुषित होईल, असा आक्षेप घेण्यात आला असला तरी गट विकास अधिकारी यांनी सदर विहीरीमध्ये पाण्याचा स्रोत नसून ती कोरडी असल्याचे प्रमाणित केल्याचे निर्दर्शनास आणले.
११. विभागीय आयुक्त, नाशिक यांनी दि.२४/०६/२००९ च्या पत्रान्वये प्रतिकूल अहवाल दिला असला तरी इगतपुरी नगरपरिषदेच्या सर्वसाधारण सभेने दि.२३/१२/२००९ रोजी ठराव क्र.३८५ करून मौजे आवळखेड येथील कचरा डेपो हलविण्यास तीव्र विरोध केला.
१२. विभागीय आयुक्त, नाशिक यांनी दि.०६/०५/२०१० च्या पत्रान्वये अध्यक्ष, असिमा धर्मादाय संस्था यांना त्यांची विनंती अमान्य करण्यात येत असल्याबाबत कळविले.

१३. मा.उच्च न्यायालयाच्या दि.०२/०८/२०११ च्या अंतरीम आदेशानुसार महाराष्ट्र प्रदुषण नियंत्रण मंडळाने असिमा संस्थेचे प्रतिनिधी व नगरपरिषद यांची संयुक्त बैठक घेऊन संबंधितांच्या तक्रारींच्या अनुषंगाने अतिरिक्त अटी व शर्ती टाकून आवळखेड येथील गट क्र.३७ येथील प्रकल्पास परवानगी दिलेली आहे. सदर वाढीव अटी/शर्ती विचारांत घेता पाणी प्रदुषणाबाबत पुरेशी काळजी घेण्यात आलेली आहे.

१४. मा.उच्च न्यायालयाच्या दि.०५/०३/२०१५ च्या आदेशानुसार विभागीय आयुक्त, नाशिक यांनी खालील ६ जागांची प्रत्यक्ष पाहणी केली व त्यांच्या दि.२९/०७/२०१५ च्या पत्रान्वये या सर्व जागा या प्रकल्पासाठी योग्य नसल्याबाबतची कारणे देऊन त्याबाबतचा आपला अहवाल मा.उच्च न्यायालयास पुढीलप्रमाणे सादर केला:-

अ.क्र.	जागेचा तपशील	जागेबाबतचे अभिप्राय
१.	नांदगांव सदो गट नं. ११८४	सदर जागा न.प. वाढीव हद्द विकास योजनेतील रहिवास विभागापासून ५०० मीटर अंतराच्या आंत असून, सदर जागेसाठी रस्ता भूसंपादन करणे आवश्यक असून, यासाठी किमान रु. १३७.६६ लक्ष इतका ढोबळ खर्च अपेक्षित आहे. भूसंपादन अधिनियमानुसार व रस्ता बांधणीसाठी बराच कालावधी अपेक्षित आहे.
२.	बोरली गट न.२०५	सदर जागा डोंगरमाथ्यावर असून, पोच रस्ता नाही तसेच मानवी वस्ती व पाण्याच्या स्रोताजवळ आहे.
३.	चिंचलेखैरे गट नं. २२४	सदर जागा डोंगरावर तसेच मानवी वस्तीजवळ आहे. तसेच जाण्यासाठी घाट वळणाचा रस्ता आहे.
४.	पारदेवी गट नं. १६१	सदर जागेजवळ प्राथमिक शाळा असून, जाणेकरिता कच्चा घाट रस्ता आहे.
५.	तळेगांव गट नं. २३७	सदर जागा रहिवास विभागात तसेच औद्योगिक वसाहत व पाण्याच्या टाकीजवळ आहे.
६.	फणसवाडी इगतपुरी गट नं. ३१६ व ३१७	सदर जागा गवळीवाडी या निवासी वस्तीपासून ५०० मीटरचे आंत तसेच डोंगरावर व रेल्वे मार्गाजवळ आहे.

१५. उपरोक्त अनुषंगाने मा.उच्च न्यायालयाने दि.०३/०८/२०१५ रोजी विषयांकित प्रकरणी मध्य मार्ग काढण्यासाठी राज्य शासनाने हस्तक्षेप करण्याच्या सूचना दिल्या.

१६. त्यानुषंगाने सत्रिव (नवि-२), नगर विकास विभाग यांनी दि.०४/०९/२०१५ रोजी सर्व संबंधितांची बैठक घेऊन त्याबाबतचा अहवाल मा.उच्च न्यायालयास सादर

करण्यात आला आहे. त्यामध्ये इगतपुरी नगरपरिषदेच्या घनकचरा व्यवस्थापनासाठी निश्चित करण्यात आलेल्या ग्रामपंचायत आवळखेड येथील जागेमध्ये कोणत्याही प्रकारचा बदल करण्याची आवश्यकता नसल्याबाबत एकमताने निर्णय घेण्यात आला असल्याचे नमूद करण्यात आले आहे.

१७. या प्रकरणी दुर्गंधी/पाणी प्रदूषण इ. बाबत संबंधितांनी घेतलेल्या आक्षेपासंदर्भात मुख्याधिकारी, इगतपुरी नगरपरिषद यांनी निर्देशनास आणले की, सदरहू प्रकल्पासाठी महाराष्ट्र प्रदूषण नियंत्रण मंडळाने दिलेल्या मान्यतेतील अटी/शर्ती नुसार सदरहू प्रकल्पामध्ये घनकचऱ्यावर प्रक्रिया करण्यात येणार असून त्यातील अटी/शर्तीचे काटेकोरपणे पालन करावयाचे असल्याने प्रदुषणाबाबत ग्रामस्थांची भिती निरर्थक ठरेल.

१८. सदरहू प्रकल्पासाठी महाराष्ट्र प्रदूषण नियंत्रण मंडळाने दिलेली मान्यता ही सन-२०१२ पर्यंत लागू असून सदरहू परवानग्या पुनर्जिवित करण्याची आवश्यकता असल्याचे नमूद केले.

१९. न्यायालयीन वादामुळे प्रस्तावित प्रकल्पाच्या खर्चामध्ये सुमारे १ कोटी वाढ झाली आहे व भविष्यात वाढ होणार आहे.

२०. नगरपरिषदेने सर्व कायदेशीर प्रक्रिया पूर्ण करून देखील नागरिकांना या घनकचरा व्यवस्थापनाच्या सुविधेपासून वंचित रहावे लागले आहे. सध्या असा कोणताही प्रकल्प नसल्याने इगतपुरी नगरपरिषदेस अशा स्वरूपाच्या शाश्वोक्त प्रकल्पाची तीव्र गरज आहे.

२१. या प्रकरणी मा.उच्च न्यायालयाच्या दि. २१/०६/२०१० च्या स्थगिती आदेशानुसार विचाराधीन जागेभोवती संरक्षक भित तसेच रस्त्याचे काम अपूर्ण राहिलेले आहे.

२२. विपश्यना संस्थेच्या आक्षेपाबाबत नगरपरिषद सध्या कचरा टाकत असलेल्या जागेवरील कचऱ्याची विल्हेवाट लावण्याकरिता नगरपरिषद प्रयत्नशील असून त्यांच्या अडचणीचे लवकरात लवकर निराकरण करण्यात येईल.

उपरोक्त बैठकीतील चर्चेदरम्यान असेही स्पष्ट झाले की, इगतपुरी नगरपरिषदेतर्गत घनकचरा व्यवस्थापन प्रकल्पासाठी विकत घेण्याची/हस्तांतर करण्याची कार्यवाही सन-२००२ सालीच सुरु झाली होती व जिल्हाधिकार्यांच्या परवानगीनंतर सन-२००८ साली याबाबतची कायदेशीर प्रक्रिया पूर्ण करण्यात आली.

सर्व सामान्यपणे सर्व संबंधित हे सदरहू जागेचा उपयोग इगतपुरी नगरपरिषद ही घनकचरा टाकण्यासाठी "डंपिंग ग्राऊंड" करणार आहे. या गैरसमजातून विरोध करित आहेत. वास्तविकतः इगतपुरी नगरपरिषदेने सदरहू जागा "डंपिंग ग्राऊंड" म्हणून वापरासाठी निश्चित केली असून "खत प्रकल्प उभारणीकरिता घेतलेली आहे. या संदर्भात दि.१५/१०/२००५ रोजी दै.पुण्य

नगरी या दैनिकागध्ये देकार मागवितानाच "इगतपुरी नगरपरिषदेस घनकचरा व्यवस्थापनांतर्गत खत प्रकल्प उभारणीकरिता जागा नगरपरिषदेस आवश्यक असल्याबाबत नमूद करण्यात आले होते." जाहिरातीत नमूद केलेल्या प्रयोजनासाठी सदर जागा संपादित करण्यात आली असून शासनाने देखील याच प्रयोजनासाठी निधी उपलब्ध करून दिलेला आहे. सदरहू प्रकल्पास अस्तित्वात असलेल्या नियमातील तरतुदीनुसार सर्व सक्षम प्राधिकाऱ्यांची मान्यता प्राप्त आहे.

सदर जागेवर नगरपरिषदेमार्फत शास्त्रोक्त पद्धतीने घनकचऱ्यावर प्रक्रिया करणे प्रस्तावित असून या प्रक्रियेतील बायोगॅस संयंत्रातून स्थानिक वापरासाठी वीज तयार होणार आहे व त्याचा फायदा स्थानिक ग्रामस्थांस मिळणार आहे.

मा.उच्च न्यायालयाच्या आदेशानुसार विभागीय आयुक्त, नाशिक यांनी यापूर्वी ६ जागांचा पूर्ण विचार करून नंतरच आवळखेड ग्रामपंचायती अंतर्गत गट क्र.३७ येथील जागेबाबत शिफारस केली आहे.

असिमा संस्थेच्या वतीने सादर केलेल्या निवेदनातील व आवळखेड ग्रामस्थांच्या दि.०८/१२/२०१५ च्या निवेदनातील सर्व मुद्दे तसेच असिमा संस्था, विपश्यना संस्था व सरपंच, आवळखेड ग्रामपंचायत या सर्वांनी केलेला तोंडी युक्तीवाद विचारात घेऊन पूर्ण विचारांती पुढील कारणास्तव आवळखेड ग्रामपंचायती अंतर्गत गट क्र.३७ ही सुनिश्चित केलेली जागा "घनकचरा व्यवस्थापन अंतर्गत खत प्रकल्प उभारणी" या प्रयोजनाकरिता योग्य असल्याचे मत झाले आहे:-

- (१) इगतपुरी नगरपरिषदेने आवळखेड येथील गट क्र.३७ ही जमीन जरी सन-२००८ मध्ये विकत घेतली असली तरी, जमीन संपादित करण्याची कार्यवाही सन-२००२ पासूनच सुरु करण्यात आली होती.
- (२) इगतपुरी नगरपरिषदेमार्फत या प्रयोजनासाठी ५ शासकीय जमिनींची पाहणी करण्यात आली. तथापि, या ५ ही जागा निकषात बसत नसल्यामुळे नगरपरिषदेने अंतिमतः दि.३०/११/२००५ रोजी दै.पुण्य नगरी मध्ये "घनकचरा व्यवस्थापन अंतर्गत खत प्रकल्प उभारणी" या प्रयोजनाकरिता देकार मागविले होते.
- (३) गट क्र.३७, आवळखेड येथील देकार प्राप्त झालेली जागा ही आदिवासी मालकीची असल्याने योग्य त्या परवानग्या मिळण्याकामी दि.१९/०१/२००६ च्या पत्रान्वये तहसिलदार, इगतपुरी यांच्यामार्फत शासनास प्रस्ताव सादर करण्यात आला व शासनाने दि.२९/०२/२००८ रोजी दिलेल्या मान्यतेच्या अनुषंगाने जिल्हाधिकारी, नाशिक यांनी अंतिमतः दि.१५/०३/२००८ रोजी आवश्यक ते आदेश निर्गमित केले.
- (४) १२ व्या वित्त आयोगातून "घनकचरा व्यवस्थापन अंतर्गत खत प्रकल्प उभारणी" याच प्रयोजनासाठी प्राप्त झालेल्या निधीतून सदरहू गट क्र.३७ ची जागा इगतपुरी नगरपरिषदेने विकत घेतली.

(५) जिल्हाधिकारी, नाशिक यांनी सदरहू जागेमध्ये जागेस संरक्षण भित बांधणे व पोहोच रस्ता, अंतर्गत रस्ता बांधणे, इ. कामे १२ व्या आयोगाच्या उपलब्ध निधीतून करण्यासाठी प्रशासकीय मान्यता दिली आहे.

(६) सदरहू जागेवर घनकचरा व्यवस्थापन प्रकल्प राबविण्यासाठी नगरपरिषदेकडे पुढील पाच सक्षम प्राधिकार्यांची ना हरकत प्रमाणपत्रे उपलब्ध होती.

अ) भूजल सर्वेक्षण विभाग

ब) महाराष्ट्र प्रदूषण नियंत्रण मंडळ

क) नगर रचना विभाग

ड) सरपंच, आवळखेड ग्रामपंचायत

इ) वन परिक्षेत्र अधिकारी

सबब, प्रशाधिन जागा "घनकचरा व्यवस्थापन अंतर्गत खत प्रकल्प उभारणी" या प्रकल्पासाठी योग्य असल्याचे सर्व संबंधित प्राधिकार्यांनी प्रमाणित केले होते.

(७) इगतपुरी नगरपरिषदेच्या सर्वसाधारण सभेने दि.२३/१२/२००९ रोजी ठराव क्र.३८५ करून मौजे आवळखेड येथील कचरा डेपो हलविण्यास तीव्र विरोध केला आहे.

(८) "घनकचरा व्यवस्थापन अंतर्गत खत प्रकल्प उभारणी" या प्रयोजनासाठी संपादित केलेल्या आवळखेड गट क्र.३७ बाबत घेतलेल्या आक्षेपासंदर्भात मा.उच्च न्यायालयाच्या आदेशानुसार विभागीय आयुक्त यांनी इतर ६ जागांची पाहणी करून या सर्व जागा या प्रकल्पासाठी योग्य नसल्याबाबतचा अहवाल मा.उच्च न्यायालयास सादर केला. अशा प्रकारे वेगवेगळ्या एकूण ११ (५+६) जागांची पाहणी करून आवळखेड, गट क्र.३७ ची जागा सुनिश्चित करण्यात आली आहे.

(९) मा.उच्च न्यायालयाच्या आदेशानुसार या प्रकरणी महाराष्ट्र प्रदूषण नियंत्रण मंडळाने घेतलेल्या बेलकीमध्ये अधिक कडक अटी/शर्ती विहित करण्यात आल्या आहेत.

(१०) महाराष्ट्र नगरपरिषदा, नगरपंचायती व औद्योगिक नगरी अधिनियम, १९६५ तसेच घनकचरा व्यवस्थापन व हाताळणी नियम, २००० च्या तरतुदीनुसार संबंधित नगरपरिषदेने घनकचरा व्यवस्थापनासाठी अधिनियम/नियमातील तरतुदीची अंमलबजावणी करणे आवश्यक आहे.

(११) इगतपुरी नगरपरिषदेतर्गत व्यापक जनहिताच्या अनुषंगाने "घनकचरा व्यवस्थापन अंतर्गत खत प्रकल्प उभारणी" या प्रयोजनासाठी आवळखेड येथील गट क्र.३७ या जागेमध्ये बदल करण्याची आवश्यकता दिसून येत नाही.

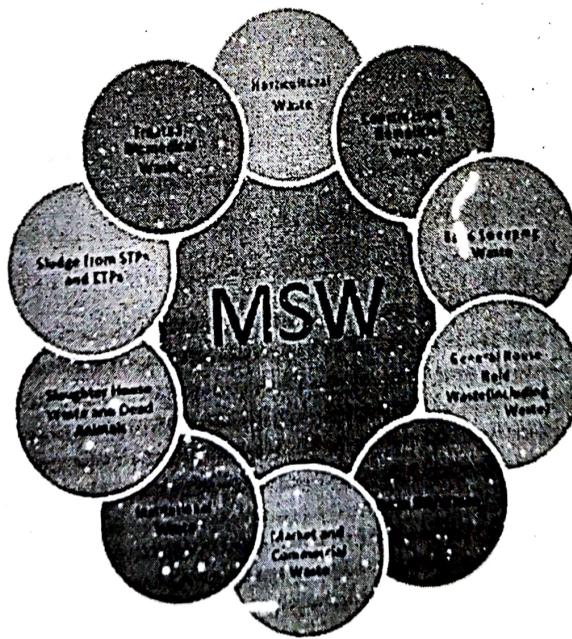
Graph 3-1: Sources of Municipal Solid Waste in Igatpuri..... Error! Bookmark not defined.
 Graph 3-2: Waste Projection Estimate (2017-2042) Error! Bookmark not defined.

Chapter 1. Introduction to the Project

1.1 Definition of MSWM

Municipal solid waste is defined to include refuse from households, non-hazardous solid waste from industrial and commercial establishments, refuse from institutions, market waste, yard waste and street sweeping, etc. (World Bank, 1994). Solid Waste Management (SWM) is an organized process of storage, collection, transportation, processing, and disposal of solid refuse residuals in an engineered sanitary landfill. Municipal Solid Waste (MSW) is the trash or garbage that is discarded day to day in a human settlement. According to SWM Rules 2016 MSW includes commercial and residential wastes generated in a municipal or notified areas in either solid or semi-solid form excluding industrial hazardous wastes but including treated bio-medical wastes. Waste generation encompasses activities in which materials are identified as no longer being of value (being in the present form) and are either thrown away or gathered together for disposal. Municipal Solid Waste consists of the following kinds of waste.

Figure 1-1: Sources of MSW Generation



The other kinds of waste found in urban settlements are:

- 1) Industrial or Hazardous Waste and
- 2) Bio-Medical or Hospital Waste and
- 3) E-Waste.

The industrial hazardous waste is managed through Hazardous Waste (Management and Handling) Fourth Amendments Rules 2010. Hazardous waste is typically identified with properties of ignitability, corrosivity, reactivity and toxicity. Hence urban local bodies must ensure that industrial waste in their

command area does not get mixed with the municipal solid waste stream, failing which will result in heavy environmental impacts and economic losses (as hazardous waste treatment costs much more higher than the municipal solid waste) and health & safety hazards (Contaminants like heavy metals, chromium, mercury, etc. when found in the municipal waste stream will contaminate the compost produced by the city).

According to the Hazardous Waste Management Rules 2010, the onus of managing and treating hazardous wastes lie with the waste generator, and the urban local body has to ensure that such waste does not contaminate municipal waste stream in their area of authority.

1.2 Project Background and Scope (SBM & SMM)

Rapid urbanization in the last few decades has led to significant increase in municipal solid waste generation in India. Municipal Solid Waste Management (MSWM) has always been a great challenge to the urban local bodies (ULBs) in India. Public health, environment and quality of life in urban areas have a direct bearing on the efficiency with which the SWM service is provided by ULBs. In most cities of India, solid waste management is inefficient as systems adopted are primary, tools and equipment are out-dated and inadequate & manpower productivity is low. A significant portion of the population does not have access to primary waste collection service and only 50 to 70% of waste collected is transported for disposal. Processing and treatment of waste is limited and final disposal is in unscientific dumpsites, posing problems of ground and water contamination and air pollution.

Swachh Bharat Mission (SBM) was launched on 2nd of October, 2014 with a vision to achieve a clean India as a tribute to the father of the nation, Mahatma Gandhi, on his 150th birth anniversary, in 2019. SBM is being implemented by the Ministry of Urban Development (MoUD). Municipal Solid Waste Management (MSWM) a major component of the SBM (urban)-"refers to a systematic process that comprises of waste segregation and storage at source, primary collection, secondary storage, transportation, secondary segregation, resource recovery, processing, treatment, and final disposal of solid waste." Under the provisions of SWM, the local bodies are to prepare Detailed Project Reports in consultation with the state government based on the identified needs of the City.

Maharashtra is the second largest state in India, both in terms of geographical area and population. It is a highly urbanized state. Maharashtra has 35 districts, divided into six revenue divisions for administrative purposes including Konkan, Pune, Nashik, Aurangabad, Amravati and Nagpur.

As per Central Pollution Control Board (CPCB), Maharashtra generates 22,570 Tons per day (TPD) of waste including Mumbai out of which about 5,927 TPD (26%) of waste is treated as per the requirement of SWM Rules.

The main objective of this study is "Preparation of Detailed Project Reports (DPRs) under Swachh Maharashtra Mission (Urban) for ULBs in the State of Maharashtra. In order to complete the DPR preparation and implementation process in mission time ULBs in state are divided into 6 Divisions. DPRs for each ULB are to be prepared separately. Eco Pro Environmental Services has been awarded to prepare the DPR for solid Waste management for various towns in Nashik Division.

1.3 Project Formulation Justification

1.3.1 Swachh Bharat Mission (SBM)

The 'Swachh Bharat Mission-Urban' (SBM-U) is a major initiative of Government of India. The mission seeks to attain the vision of Mahatma Gandhi; 'Clean India' by his 150th birthday in 2019. Expected to cost over Rs. 62,000 crore, it is a national campaign covering 4041 statutory towns.

Modern and scientific Solid Waste Management (SWM) is one of the key component of the SBM-U and it was felt that urban bodies face challenges in zeroing down methods of collection and transportation, treatment technology selection and disposal methods.

The activities associated with the management of MSW from the start of waste generation to final disposal can be grouped into the eight functional elements:

- Waste generation
- Waste storage at source
- Waste segregation
- Collection (primary and secondary)
- Transportation
- Processing and recycling
- Disposal of reject material
- Rehabilitation of the existing dumpsites to mitigate the pollution potential

As a first step, under the Swachh Bharat Mission ULB's are required to prepare Detailed Project Report (DPR) for solid waste management of their city and get it approved from the State High Power Committee.

1.3.2 Swachh Maharashtra Mission

The Government of Maharashtra has proposed to strengthen the entire MSWM system in all the Urban Local Bodies (ULBs) in Maharashtra so as to comply with the Solid waste management Rules 2016, Service Level Benchmarks of the Government of India & achieve the objectives of Swachh Bharat Mission by 2019. For achieving the objectives of the SBM, Government of Maharashtra has launched "Swachh Maharashtra Mission" (SMM) at the state level. SMM in urban areas is being implemented by Urban Development Department (UDD) through a dedicated SMM.

1.3.3 Project Objective

The main objective / output of this project is "Preparation of Detailed Project Reports (DPRs) for Solid Waste Management" under Swachh Maharashtra Mission (Urban) for ULBs in the State of Maharashtra. In order to complete the DPR preparation and implementation process in mission time ULBs in state are divided into 6 Divisions. This report is for the Nashik Division which has 57 ULBs in it. DPRs for each ULB would be prepared separately. This DPR is for Igatpuri ULB. The scope of the work broadly includes:

- Realistic assessment of quantity, Characterization and classification of MSW
- Detailed survey of the prevailing conditions
- Situation/Gap Analysis of the existing condition with respect to SWM Rules, 2016
- Detailed planning for resource requirement & implementation strategy
- Design of MSW management system viz Collection System (Primary/ Secondary) , Transportation & Fleet Management Plan, waste processing system and sanitary landfill in accordance with SWM Rules 2016 & CPHEEO Manual, Govt. of India
- Techno economic and environmental analysis of various options for MSWM
- Preparation of conceptual and detailed drawings
- Preparation of Bill of Quantities (BOQs)
- Capital and Operation & Maintenance (O&M) cost estimates
- Identification and formation of the city on the basis of geographical locations
- MSW management model including privatization aspects
- Preparation of Detailed Project Report (DPR)

The deliverables will ultimately achieve the following goals:

- Source segregation of wet & dry waste
- Primary collection of waste
- Secondary collection and transportation of waste
- Creating and sustaining a supply chain for recycled waste
- Streamlining and optimization of transportation system
- Analysis for the need of transfer station
- Making the habitations litter free, bin free and dump free to prevent the health hazard.
- Adopting appropriate options for processing the biodegradable waste.
- Options for using the inert material like construction & demolition material
- Reclamation and bio-mining of old dump sites if required
- Financial model and Institutional framework
- Measures for the involvement of all stakeholder
- Information, Education and Communication (IEC) campaign models and enforcement plans
- Other Management Aspects
 - Stakeholders' complaints
 - Management of Information Systems (MIS) using biometric, GPS etc.
 - Environment, Health and Safety (EHS)

After the DPRs are prepared and approved, implementation of projects would be taken up for achieving the objectives of the Swachh Maharashtra Mission.

1.3.4 Structure of the Report

This "Detailed Project Report" is prepared by taking into consideration the ground realities, local conditions, and assessment of the present solid waste management situation in the city. It includes the details of existing door to door waste collection and transportation and disposal of solid waste. The report also includes an analysis of the ULB legal framework and byelaws, financial analysis of the ULB, data on key public and environmental health, user charges etc.

The report has been structured into 12 chapters, as follows:

- Chapter 1 covers the project background; scope of work and objective
- Chapter 2 incorporates brief background of the city and its area in the context to familiarise with the character of the city and its boundary conditions. All the special features of the city having direct or indirect impacts on the city's SWM system are described in this chapter
- Chapter 3 and 4 provides the detailed information about the existing solid waste management situation in the city. A detailed assessment of the existing solid waste management situation of ULB area including the final analysis of the baseline data, and projection of demand for SWM. Solid waste management system is described in detail, here. The gaps have been highlighted in this chapter
- Chapter 5 cover the project definition, scope of work and approach & methodology
- Chapter 6 presents a detailed proposed municipal solid waste management system. Each component of the integrated solid waste management system has been calculated and presented
- Chapter 7 presents a detailed institutional aspects and capacity building of ULB
- Chapter 8 talks about status of community participation in SWM and proposed strategies about community awareness and public participation in SWM
- Chapter 9 covers the operation and maintenance aspects of proposed integrated solid waste management system
- Chapter 10 provides the detailed information about cost estimation proposed integrated solid waste management system

- Chapter 11 provides the information about project financial structuring and feasibility of the project
- Chapter 12 provides annexures for reference

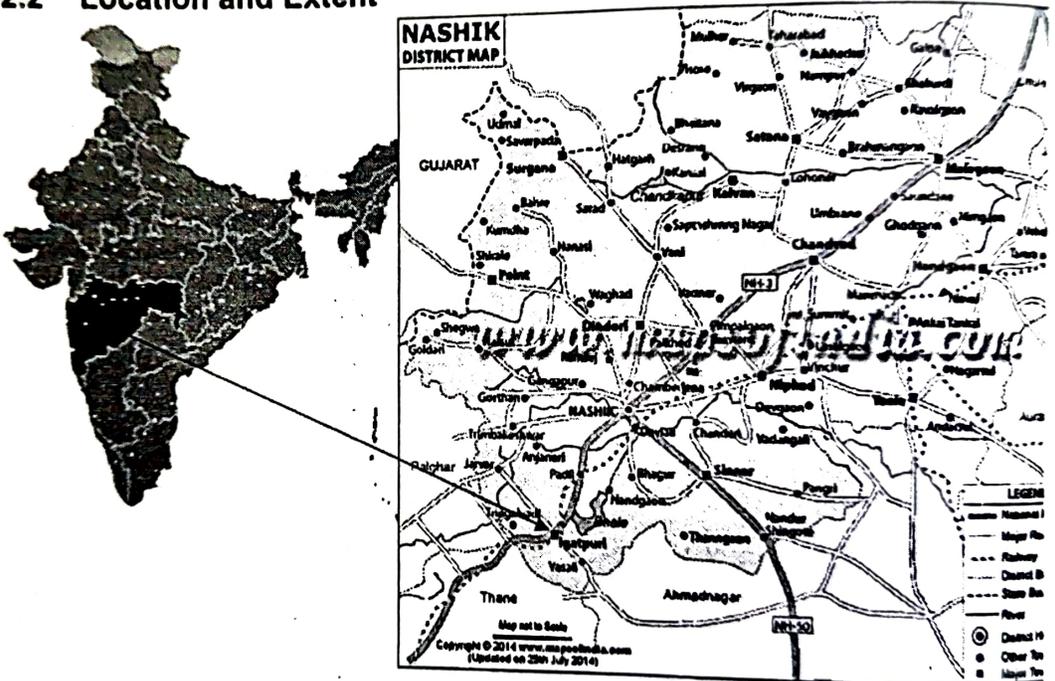
Chapter 2. City Profile

2.1 Geographical and Climatic Conditions

Igatpuri is a town and a municipal council in Nashik district in the Indian state of Maharashtra. Igatpuri is located at 19.7°N 73.55°E. It has an average elevation of 800 meters above mean sea level. It is located at around 130 km from state capital Mumbai. It has good connectivity with nearby cities like Nashik, Manmad, Mumbai and Dhule.

This city has a tropical climate. Igatpuri has significant rainfall most months, with a short dry season. This location is classified as Am by Köppen and Geiger. In Igatpuri, the average annual temperature is 24.3 °C. Precipitation here averages 3178 mm. The least amount of rainfall occurs in January. The average in this month is 0 mm. In July, the precipitation reaches its peak, with an average of 1249 mm. The temperatures are highest on average in May, at around 28.8 °C. At 20.4 °C on average, January is the coldest month of the year. The temperatures are highest on average in May, at around 28.8 °C. At 20.4 °C on average, January is the coldest month of the year.

2.2 Location and Extent



2.3 Population

The Igatpuri Municipal Council has population of 30,989 of which 15,748 are males while 15,241 are females as per report released by Census India 2011. In Igatpuri Municipal Council, Female Sex Ratio is of 968 against state average of 929. Literacy rate of Igatpuri city is 89.40 % higher than state average of 82.34 %. In Igatpuri, Male literacy is around 94.50 % while female literacy rate is 84.16 %.

2.3.1 Population Projections

Any MSW management system is aimed at reducing the amount of waste being disposed while maximizing resource conservation and resource efficiency. Based on the assessment of waste

quantity and characteristics, local needs and conditions, an appropriate technological intervention is proposed to facilitate the community for a specific design life. As per the MSW guidelines, solid waste management facility proposed for a town or a city shall facilitate the town for a minimum period of 20-25 years. Therefore, even after having recent/current population of a town or a city it is important to forecast population and its rate of growth for the design life.

Estimation of population takes into consideration factors governing character & location of town, present status and its possible expansion, establishment of commercial, educational, industrial, social and administrative areas in the surrounding. Floating population is also a matter of consideration while forecasting the population. The most reliable information on population of the ULB is obtained from ULB itself and Census.

It is an important step in order to bridge the supply demand gap and also to estimate the future requirements of the urban infrastructure. The population of town has been projected up to year 2041 using statistical methods based on population trends in the previous years.

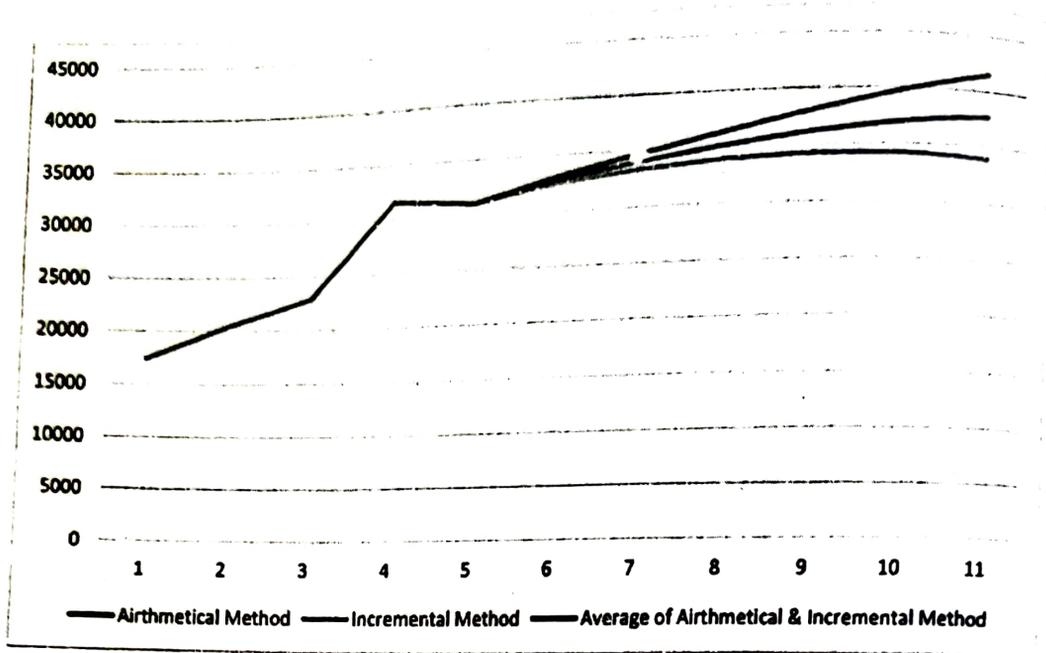
Based on the discussion with state government, mean of arithmetic and incremental increase method has been considered for the future population estimation. Of the various methods available, this DPR provides population projections using various methods given below:

Table 2-1 : Population Projection

Year	Arithmetical Method	Incremental Method	Average of Arithmetical & Incremental Method
1971	17415	17415	17415
1981	20461	20461	20461
1991	22868	22868	22868
2001	31539	31539	31539
2011	30989	30989	30989
2017	33025	32450	32738
2022	34722	33338	34030
2027	36419	33926	35173
2032	38116	34215	36166
2037	39813	34204	37009
2042	41510	33893	37702

Graph 2-1: Population Projection

DPR for SWM – Igatpuri Municipal Council



Accordingly, waste generation rates are estimated considering the following:

- Past decadal population based on census surveys.
- Projected population for the design period.
- Existing MSW generation quantities
- Existing per-capita waste

2.3.2 Population Density

The total area of Igatpuri is around 28.97 sqkm and the city population is 30989 (Census 2011). Hence, the density of the city is 1070 persons per sqkm.

2.3.3 Floating Population

Igatpuri city is a hill station and a tourist attraction with the presence of Vipasana Center which attracts people from neighbouring cities. Further, people commute within the city for daily needs, commercial activities, shopping and for entertainment. Thus on the basis of MoUD norms, around 5% of cities population has been considered as floating population which is around 1637 for the year 2017.

2.4 Settlements in City

2.4.1 Number of Households, Shops, Commercial Establishments and Institutions

The city has 6652 households, 887 commercial establishments and 52 schools and colleges. There would be 5.6 persons per house.

2.4.2 Number of Hotels, Restaurants and Banquet Halls

There are several small and medium sized restaurants, 4 hotel, 1 government guesthouses, 21 marriage halls. There are 2 parks.

2.4.3 Number of Markets

There are 1 vegetable and fruit market, 1 fish market and 2 meat market and no commercial markets.

2.4.4 Slums and other Informal settlement.

There are no slums in the city.

2.4.5 Healthcare Establishments

The city has 20 medical establishments including small clinics, nursing homes and hospitals both private and public.

2.5 Land Use

The land use of the city is categorized into agriculture, residential, commercial, public and semi-public, public utility, open spaces, industrial, transportation and water bodies.

2.6 Physical Infrastructure

2.6.1 Roads

Old Agra Road is the main road of the city. The total road length of the ULB is 53.3 km.

2.6.2 Storm Water Management

The total length of drains is 63 km. There is no sewerage network available.

2.6.3 Water Supply

Nagar Parishad Talab and Talegaon Dam are the main source of water supply. The total water demand is 2.17 MLD.

2.7 Urban Economy

Out of total population, 9,746 were engaged in work or business activity. Of this 7,793 were males while 1,953 were females. In census survey, worker is defined as person who does business, job, service, and cultivator and labour activity. Of total 9746 working population, 79.65 % were engaged in Main Work while 20.35 % of total workers were engaged in Marginal Work.

2.8 Information about ULB

2.8.1 Political Setup

Igatpuri is a Municipal Council city in district of Nashik, Maharashtra. The Igatpuri city is divided into 19 wards for which elections are held every 5 years. Igatpuri Municipal Council has total administration over 6,297 houses to which it supplies basic amenities like water and sewerage. It is also authorize to build roads within Municipal Council limits and impose taxes on properties coming under its jurisdiction.

2.8.2 Administrative Setup

Table 2-2 : Administrative Setup

DPR for SWM -Igatpur Municipal Council

Designation	Post Available
S.I.	1
Mukadam	2
Sweeper (permanent)	58
Sweeper (Temporary)	67

2.9 Financial Status

Year	2012-13	2013-14	2014-15	2015-16	2016-17 (Estimated)
	INR, lakhs				
Expenditure on SWM	24.9	24.8	16.0	70.0	96.0
13th Finance Commission	76.0	224.5	107.6	147.3	0.0
14th Finance Commission	0.0	0.0	0.0	0.0	200.0

Chapter 3. Status of Existing Solid Waste Management in the City

3.1 Waste generation

Municipal solid waste in a typical town of India is residential waste which is around 70-80% of the total waste. Other waste generation sources are commercial units, markets, hotels & restaurants, institutions including schools, colleges, offices, street sweepings, drain silt and green area including park, gardens.

The major sources of generation of municipal solid waste in Igatpuri are:

- Households
- Markets for fresh vegetables & fruits, meat and chicken
- Parks & open spaces
- Temples
- Shops and commercial establishments
- Others

Igatpuri has mixed waste with higher quantities coming from residential areas, markets as well as commercial sources.

Based on the survey results, the waste generation rate per capita considered for Igatpuri city is 260 grams per capita per day.

The total waste generated in the city is estimated to be around 8.51 TPD.

Picture 3-1: Meeting the Officials of Igatpuri Municipal Corporation



3.1.1 Approach adopted for estimation of waste generation

The current system has been analysed with the point of view to highlight the key issues in the city. The data collected from questionnaire, individual field visit, and interaction with the communities, its people gives a fair idea of what exists on-ground. A detailed study was carried out regarding the methods of practices associated with sources, quantity generated, collection, transportation, storage, treatment and disposal of solid waste and its compliance to the SWM rules 2016 in conjunction with the recommended guidelines of the Swachh Bharat Mission.

There is segregation taking place at source, i.e., household level as wet waste and dry waste. Wet waste consists of primarily the organic waste. All the waste is collected by the vehicles and dropped

DPR for SWM - Igatpur Municipal Council

at the dumpsite. There is no transit storage. The recyclables get picked by the waste-pickers, inerts, soiled non-degradable and the organics are remaining at the dumpsite.

Waste was measured from the vehicles collecting wastes from the households and other sources of waste.

Waste has been considered in 3 streams for ease of quantification and analysis; wet (biodegradable/organic), dry (inorganic/recyclables) & inerts.

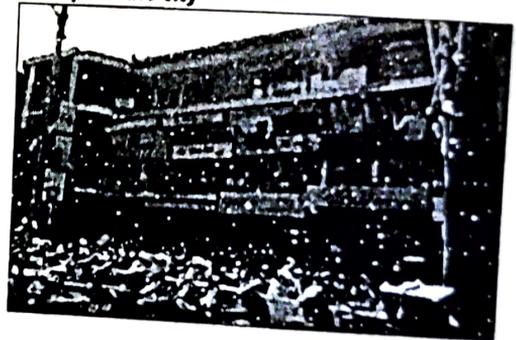
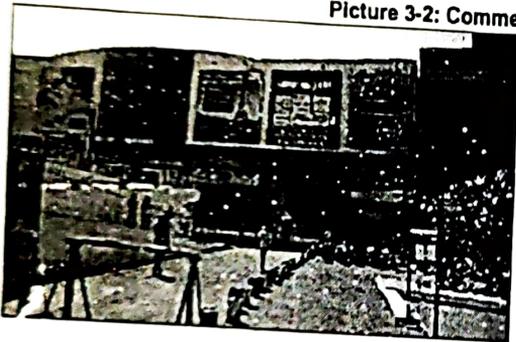
3.1.2 Residential areas – colonies, apartment complexes

The waste from residential areas includes the wastes from 6652 households categorised into HIG, MIG and slum areas/LIG. The total waste from residential areas constitutes around 82.26%, which is 7 TPD. Of this waste, around 10% comes from HIG, 90% from MIG.

3.1.3 Commercial Establishments, Malls

There are approx. 887 commercial establishments in Igatpur. The total waste generated in commercial areas is 0.7 TPD which constitutes to 8.23% of the total waste.

Picture 3-2: Commercial Shops in the city



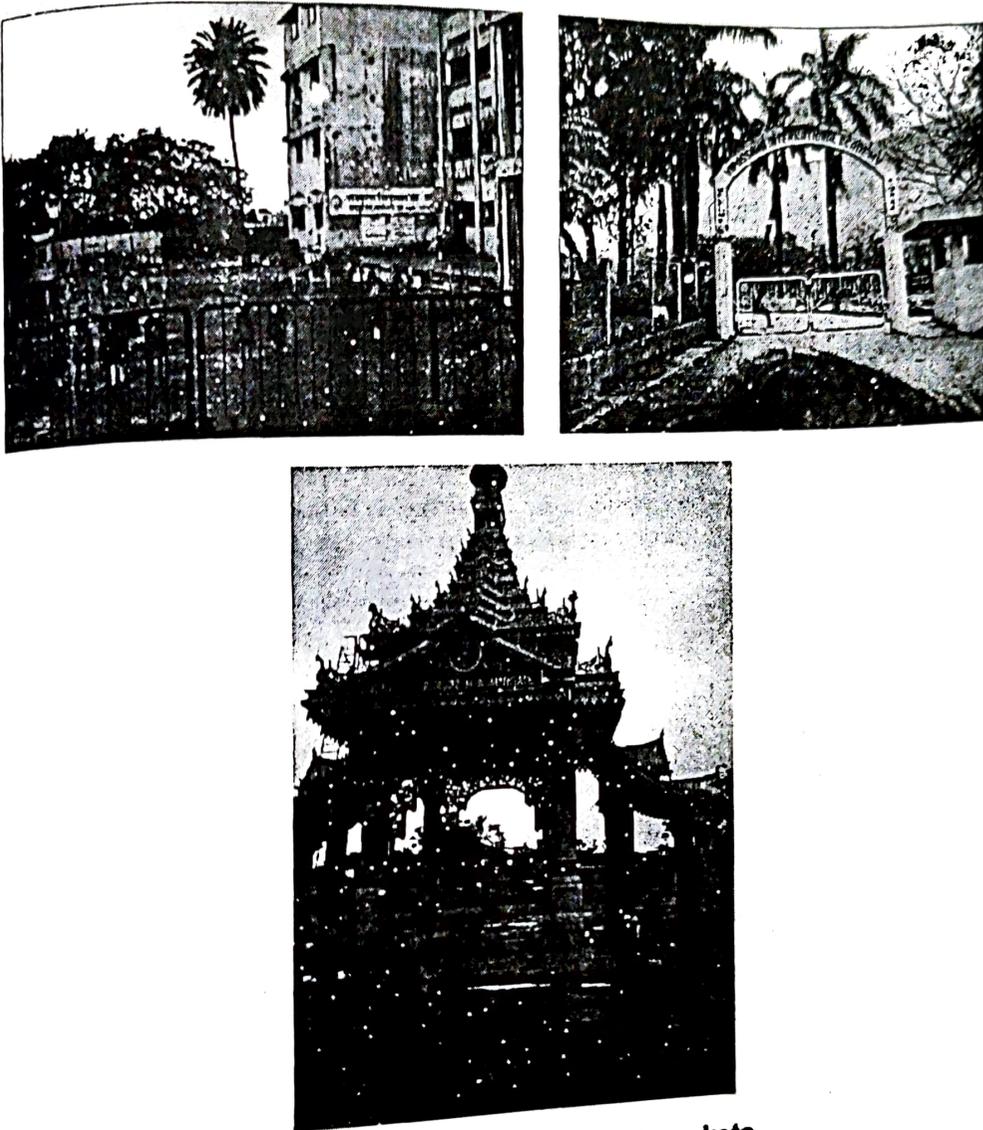
3.1.4 Hotels, restaurants, banquet hall

There are 4 hotels, 21 marriage halls. The total waste generated from these institutions is 0.2 TPD which constitutes to 2.35% of the total waste generated in the city.

3.1.5 Institutional areas- offices, schools, universities

There are 52 educational institutions in Igatpur. The total waste generated from these institutions is 0.1 TPD which constitutes to 1.18% of the total waste generated in the city.

Picture 3-3: Institutions in Igatpur

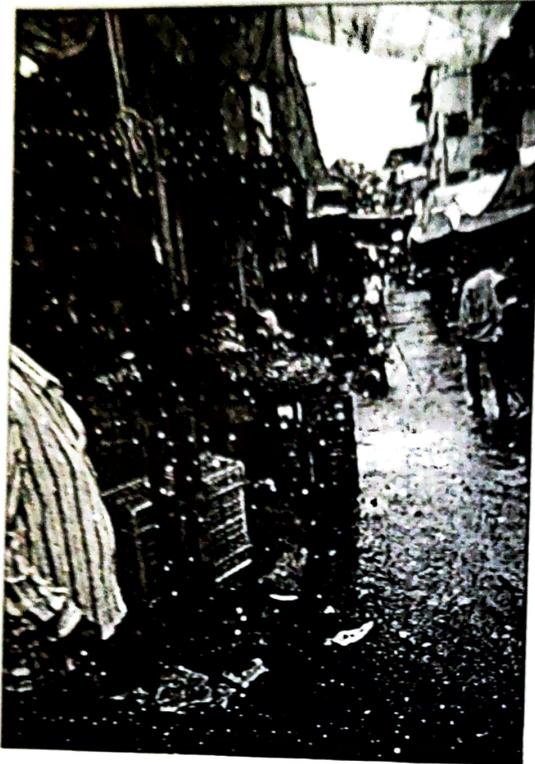


3.1.6 Fruit and vegetable markets, fish and meat markets

There are 1 vegetable market, one meat markets, one fish market, and 1 fruit market in the city. The total waste generated from these markets is 0.5 TPD which constitutes to 5.88% of the total waste generated in the city.

There is one slaughter house in the city which is non-functional and legal. However, there are also some illegal slaughter houses within the city.

Picture 3-4: Vegetable, Fruit & Meat Shops



3.1.7 Hospitals and nursing homes (excluding biomedical waste)

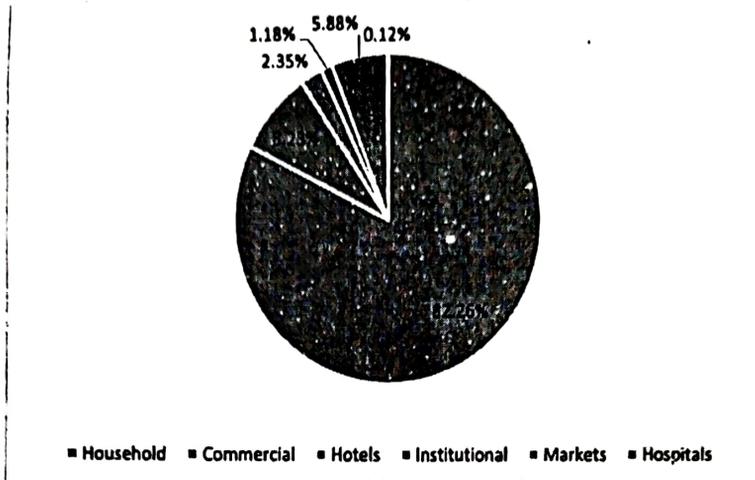
The city has 20 medical establishments including small clinics, nursing homes and few hospitals—private as well as public. The total waste generated from these institutions is 0.01 TPD which constitutes to 0.12% of the total Municipal Solid Waste generated in the city.

Table 3-1: Sources of Solid Waste in Igatpur

Source	Municipal Solid Waste (in TPD)	Percentage share
Household	7	82.26%
Commercial	0.7	8.23%
Hotels	0.2	2.35%
Institutional	0.1	1.18%
Markets	0.5	5.88%
Hospitals	0.01	0.12%
Total	8.51	100.00%

DPR for SWM –Igatpuri Municipal Council

Graph 3-1: Sources of Municipal Solid Waste In Igatpuri



3.2 Quantification & Characterization of Waste

Estimation of quantum of solid waste generated and its characteristics assume great significance for efficient design of waste collection, transportation, treatment and disposal options. For the assessment of the waste generation trends & its composition, an integrated approach comprising desk review of various similar kind of studies carried out in the past, CPHEEO guidelines for waste generation rate and representative waste sampling in the cities has been adapted.

The methodology adopted for waste sampling is outlined below:

- o Identification of different areas of the city, like High Income Group (HIG), Middle Income Group (MIG), Low Income Group (LIG), Slums, Commercial and Institutional areas, Vegetable and mutton, fish and chicken market etc. was done in consultation with the administrative staff of ULB. Waste from these areas was getting dropped in separate vehicles at the site. Samples were collected from this site and the other site where the waste was coming from other sources. Samples were collected immediately from the vehicles when they were being unloaded at the sites.
- o Waste was weighed and unloaded on clean plastic sheets. Quartering method was used to achieve the required sample size. For Quartering more than 100 Kg of waste from each sector, such as HIG, MIG, and LIG etc. was collected and about 10 Kg of sample by quartering method in adherence to the SWM Manual was done. Representative samples were packed in front of municipal authorities and were taken for laboratory analysis.
- o Quantitative analysis was carried out for the waste from different areas, representative samples. The waste thus received was segregated in different components, viz. Recyclables (Plastic, metal & glass), Inert and Organic material etc. Separate Physical & Chemical Analysis was performed.
- o The samples are taken for qualitative and chemical analysis to an accredited approved testing laboratory.

Picture 3-5: Quantification & Characterization of Waste



3.2.1 Sampling Criteria

Based on discussions with the client, the following criteria for sampling were finalised:

- For ULBs with population more than 50 thousand, detailed Physical and Chemical analysis of waste including heavy metals is to be carried out from accredited laboratories and report is added in the DPR
- For ULBs with population less than 50 thousand, cluster of 2 ULBs should be made and analysis should be carried out as above.
- Accordingly waste characterisation has been conducted in the town.

3.2.2 Physiochemical Characteristic of MSW

I. Physical Assessment:

Physical components of waste like food, paper, plastics, polythene bags, glass and inert material shall be identified. This physical assessment is carried out at site itself. The tables below define the parameters to be studied.

Table 3-2: Test Results for Physical Testing of MSW in Igatpur City

S No.	Parameter	Unit	HIG	MIG	LIG / Slum	Commercial	Dumpsite Old Waste	Vegetable market
1	pH		7.42	7.39	7.3	7.59	6.17	7.63

DPR for SWM –Igatpur Municipal Council

Average Waste Composition:

Based on the field study, the average waste composition in Igatpur city has been found out as under:

Table 3-4: Average Waste Composition

Waste Composition	Average (%)
Plastic, Plastic bags, etc.	11.05
Paper	6.09
Glass & metals	0.23
Leather, Rubber	0.23
Tetra Packs	2.35
Clothes	5.64
Food Waste	54.27
Horticulture Waste	6.48
Misc., Inert, Silt	13.65
Total	100.00

3.3 MSW Projections

As per our primary field study, discussions with different stakeholders, the estimated waste generation in Igatpur in 2017 is about 8.51 TPD from all sources. The waste generation rate is about 260 grams/capita/ day. This rate of generation is similar to other cities of India of similar size.

The waste generation estimate and its projection is important step for long term waste management strategy and planning for the city. Therefore, the waste generation estimate for Igatpur is carried out in a similar way, as of population projection.

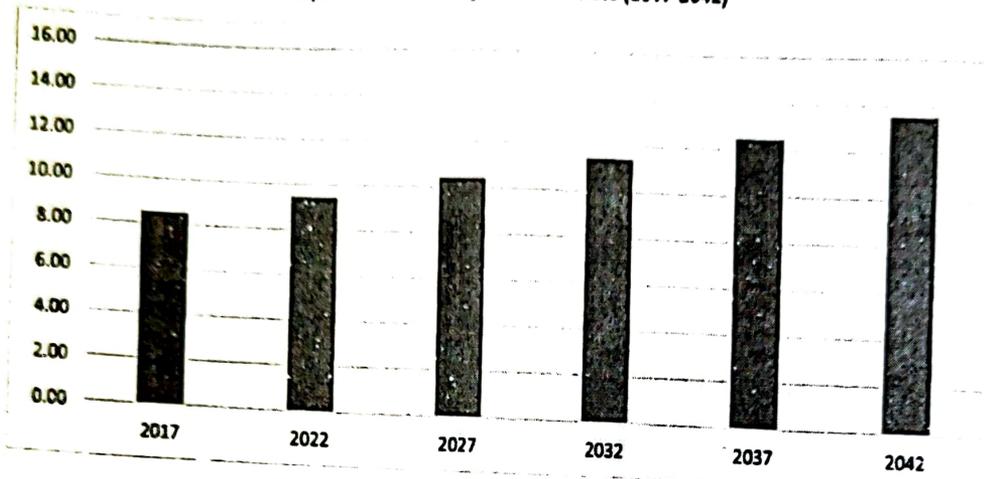
The future waste generation estimates have been carried out on following assumptions:

- > Increment in waste generation at the rate of 1.3% per annum
- > Waste generation rate for Igatpur for year 2017 is taken as 0.260 kg/ capita/ day

Table 3-5: Waste Projection Estimate

Year	2017	2022	2027	2032	2037	2042
City Population	32738	34030	35173	36166	37009	37702
Waste Generation Per Capita in Grams per day	260	277	296	316	337	359
Total MSW Qty, MT	8.51	9.43	10.41	11.43	12.47	13.54

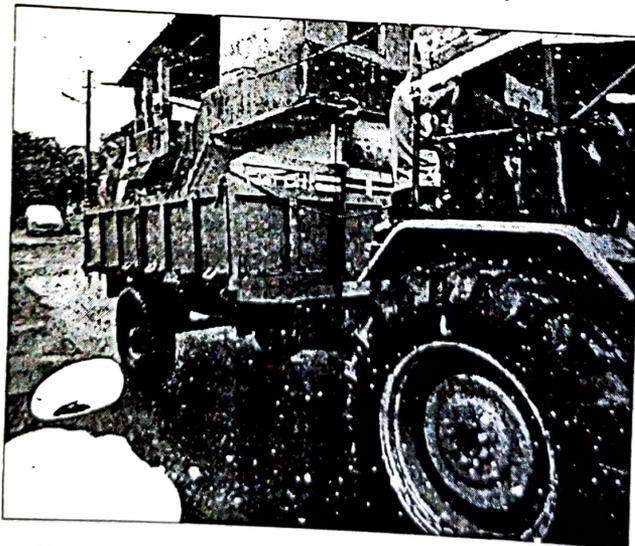
Graph 3-2: Waste Projection Estimate (2017-2042)



3.4 Existing MSW Collection System

3.4.1 Primary Waste Collection System

The primary waste collection system comprises door-to-door collection by 5 vehicles (Ghantagadi and tractor trolley). The collection of waste is carried out once a day from all 18 wards. The primary waste collection is carried out by private agencies. There is no user fee charged.



3.4.2 Primary Waste Storage at Generation

There is no segregation of waste at source, thus it can be assumed that the primary waste storage is mixed. There is 60% Door-to-door (DTD) collection of solid waste in all 18 wards through private agencies for collection of waste within the municipal limits.

3.4.3 Secondary Waste Collection System

The secondary waste collection is carried out once a day by 2 tractor trolleys, 3 Ghanta Gadi.

These vehicles collect waste from open waste dumping points also.

3.5 Street Sweeping & Drain Cleaning

As there is primary collection taking place in all wards inefficiently (80%), there is street waste and drain silt found. Thus, the street sweeping and drain cleaning waste exists to some extent in the city. There are 123 sweepers involved in this work and their work timings are 6.00 am to 10.00 am and 2.00 pm to 5.00 pm.

3.6 MSW Secondary storage system

There are no secondary storage containers/ bins available with the ULB. Waste is dumped openly at various dumping points.

3.7 MSW Transportation System

The details of collection and transportation of waste is given in the table below. The collection of primary and secondary waste is carried out once & twice a day respectively from 18 wards, for which the mentioned vehicles are used. All these vehicles collect waste from the city and drop it to the allotted dumpsite.

Table 3-6: Collection and Transportation Vehicles

Vehicle type	Quantity	Capacity	Owner	Condition	No. of trips	Quantity of waste collected (TPD)	Transportation point
Tractor Trolley	2 nos.	1.5 MT	Contractor	NA	2 trips/ day	6	Directly to dump-site
Ghantagadi	3 nos.	700kg	Contractor	NA	2 trips/day	4.2	Directly to dump-site
Total tonnage of waste collected:						~10.2	

However, the collection and transportation system is found to be inefficient at present as it does not cover all the households and commercial units of the city for primary collection of waste.

3.8 Existing MSW Processing System

3.8.1 Recyclable Waste

The recyclable waste constitutes to 19.2% of total waste generated, which is around 1.63 TPD.

Recyclables is the saleable fraction of the dry waste. Around 75% of dry waste is recyclable. The recyclable fraction includes paper, plastic, glass, cardboard, metals, etc.

The dry waste reaching the dump-site is further sorted and the recyclables are sold off by the informal sector. There is no revenue generated by the ULB for the dry recyclable waste collected.

3.8.2 Bio-Degradable Waste/ Wet Waste

Approximately 60.75% of the waste is biodegradable. Igatpuri has 5.17 TPD of biodegradable waste being generated at present.

Bio-degradable waste constitutes the organic waste that can be decomposed to produce rich quality manure and soil conditioner.

3.8.3 Non-Biodegradable Waste/ Dry Waste

The non-biodegradable waste constitutes to 25.00% of total waste. Thus, Igatpur generates a total of 2.17 TPD of non-biodegradable waste.

3.8.4 Construction & Demolition waste

At present this waste is dumped in the low-lying areas. This waste is not included in municipal solid waste.

The construction and demolition waste is to be taken care off by the generator.

3.8.5 Any Other Waste (Domestic Hazardous, Sanitary Waste)

Separate storage or collection mechanism for domestic hazardous or sanitary waste does not exist at present in the city.

Water Gauge, Nashik is the facility contracted by the ULB for Bio-medical waste treatment.

3.9 Existing Infrastructure for SWM

3.9.1 Manpower

Table 3-7: Existing SWM Administrative Set-up

Designation	Assigned post or Post Sanctioned	Availability
S.I.	1	1
Mukadam	2	2
Sweeper (permanent)	56	56
Sweeper (Temporary)	67	67

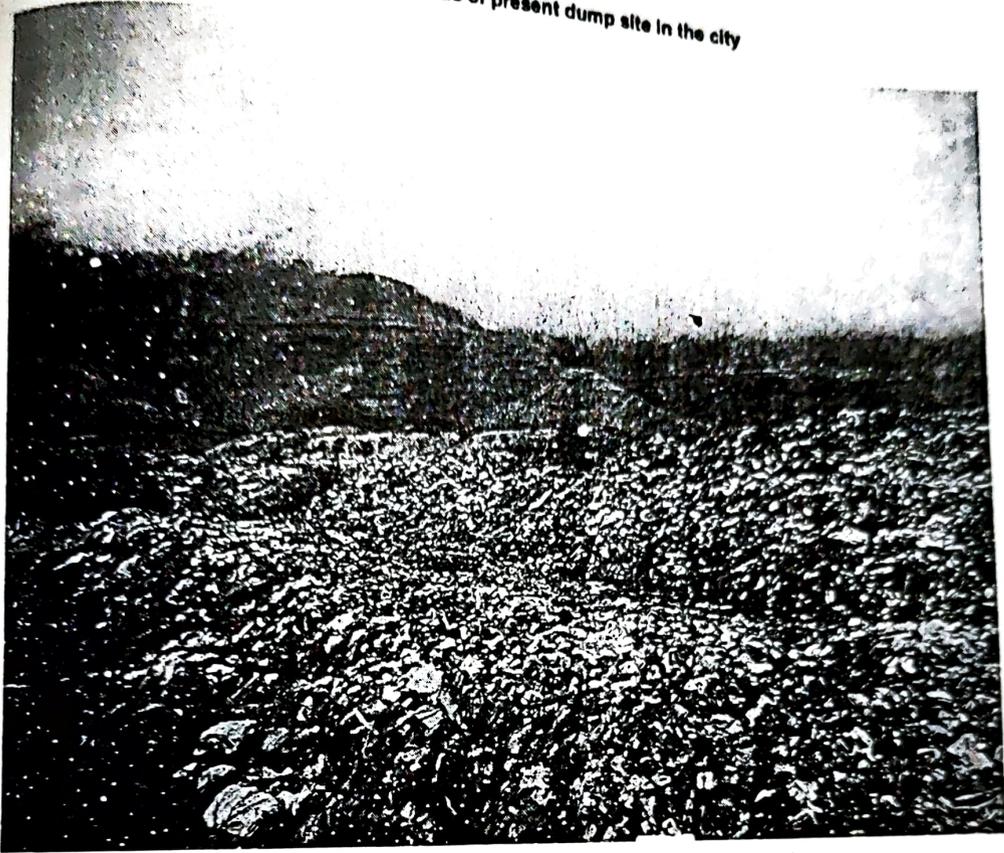
3.9.2 Equipment/Vehicles

The details of vehicles involved in collection and transportation in the city is provided in table 3.6. The collection of primary and secondary waste is carried out two to three times a day from 18 wards for which the specified vehicles are used. All these vehicles collect waste from the city and drop it to the dumpsite. There is no equipment repair facility in the city.

3.10 Status of Allotted Site

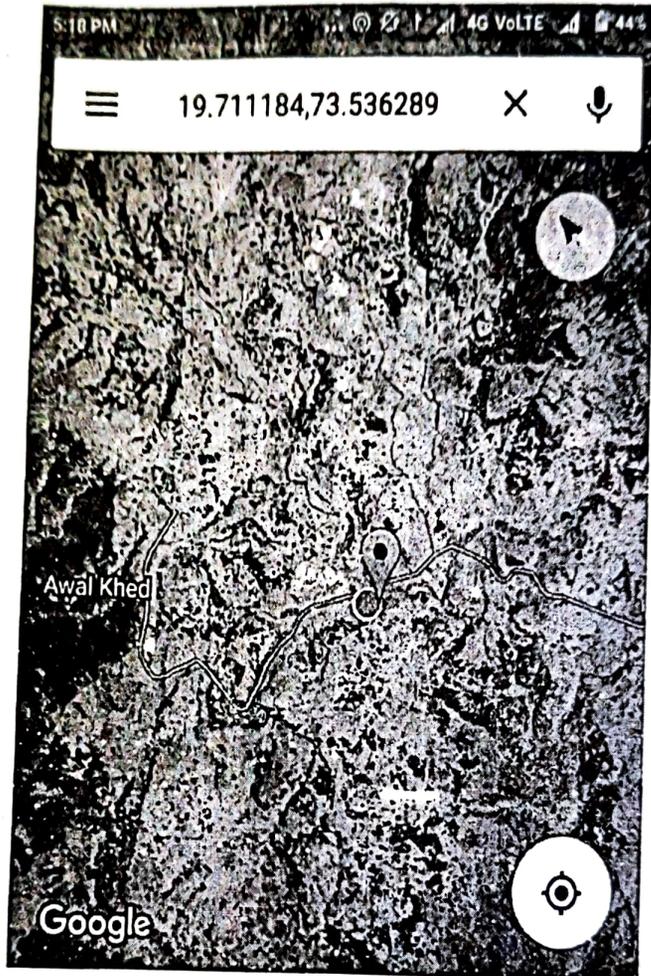
At present, all the waste generated from the city is dumped at the unallotted landfill site which is 1 km from ULB. The present dump site gets mixed waste from all over the city.

Picture 3-6: Status of present dump site in the city



The allotted site is 5.2 km away from the city. The site is allotted at survey no. 37 with an area of 1.6 Hectare. The processing is non-functional at present.

Map 3-1: Location of allotted site for solid waste management



3.10.1 Site Suitability Assessment of Landfill site

The necessary environmental approval has been obtained for the waste processing facility/site.

Table 3-8: Site Suitability Assessment for Allotted Site

Features	Details of Dumping Site
Land use (Dumping & Processing)	Nothing (New) and Old Site Dumping
Major crops in the study area	Rice , Nagoli
Nearest Highway, Name & distance	NI 13
Access Road detail, if any, length (km) & width (m)	Pakka Road
Nearest Railway Station, distance in m/km	Igatpuri
Nearest Airport, distance in m/km	Mumbai
Nearest Town/City, names & distance	Igatpuri

Water bodies and dams, canals	Darana, Godavari
Hills and Mountains (within or around the area)	Hill Station (kalsubai)
Reserved or protected forests	NO
Ecologically sensitive zones (within 10 km)	NO
Archaeological/ heritage Monuments (within 10 km)	NO
Sensitive Receptors	NO
Major Important Industries within 10 km	NO

Table 3-9: Proposed Site assessment as per CPHEEO Manual

Sr. No.	Criteria	CPHEEO Manual Requirements	Description of the site	Compliance by Proposed site
1	Lake/Pond	200 m away from the Lake/Pond	No	Complies
2	River/streams	100 m away from the river/stream	No	Complies
3.	Flood plain	No land fill within a 100 year flood plain	No	Complies
4	Highway	Away from 200 m NHA/State	No	Complies
5	Public parks	300 m away from public parks	No	Complies
6	Wet lands	No landfill within wet lands.	No	Complies
7	Habitation	500 m away from the notified habitation area	No	Complies
8	Ground water table	Ground water table > 2m.	500 Ft	Complies
9	Critical habitat area	No landfill within the Critical habitat area. It is defined as the area in which 1 or more endangered species live.	No	Complies
10	Air ports	No landfill within 20 km	No	Complies
11	Water supply schemes/ wells.	Minimum 500 m away	No	Complies

The proposed site is compliant to the requirements of CPHEEO and other regulations.

3.11 Overall Compliance of SWM Rules & Regulations

There are several rules and regulation which have been formulated pertaining to SWM. Relevant ones for Igatpur are:

270

स्वच्छ भारत अभियान (नागरी) अंतर्गत नागरी
घनकचरा व्यवस्थापन प्रकल्पास प्रशासकीय
मान्यता देण्याबाबत.

इगतपूरी नगरपरिषद, जिल्हा नाशिक.

167

महाराष्ट्र शासन
नगर विकास विभाग

Exhibit "RJ-8"

शासन निर्णय क्रमांक:-स्वमअ-२०१८/प्र.क्र.५२/नवि-३४

हुतात्मा राजगुरु चौक, मादाम कामा मार्ग,

मंत्रालय, मुंबई-४०० ०३२.

दिनांक: ०९ एप्रिल, २०१८

बाबत:-

१. शासन निर्णय, नगर विकास विभाग, क्रमांक: स्वभाअ-२०१५/प्र. क्र. २३/नवि-३४, दिनांक १५.०५.२०१५
२. स्वच्छ भारत अभियान (नागरी) अंतर्गत गठीत उच्चाधिकार समितीच्या दिनांक २९.१२.२०१७ रोजी पार पडलेल्या बैठकीचे इतिवृत्त.

प्रस्तावना :-

देशातील सर्व शहरांमधील नागरिकांना स्वच्छ पर्यावरण व चांगले आरोग्य मिळावे या करिता या शहरामधील सर्व नागरीकांना शौचालयांची सुविधा उपलब्ध करून देण्यासाठी केंद्र शासनामार्फत "स्वच्छ भारत अभियान (नागरी)" संपूर्ण देशामध्ये राबविण्यात येत आहे. केंद्र शासनाच्या "स्वच्छ भारत अभियान (नागरी)" च्या धर्तीवर संदर्भीय क्रमांक १ येथील शासन निर्णयान्वये राज्यामध्ये "स्वच्छ महाराष्ट्र अभियान (नागरी)" ची अंमलबजावणी सुरु आहे. या अभियानांतर्गत शहरे "हागणदारी मुक्त" करणे व घनकचरा व्यवस्थापनांतर्गत "स्वच्छ" करणे या दोन प्रमुख घटकांचा समावेश आहे.

२. स्वच्छ महाराष्ट्र अभियान (नागरी) अंतर्गत राज्यातील ३४ शहरांचे नागरी घनकचरा व्यवस्थापन प्रकल्पाचे सविस्तर प्रकल्प अहवालास महाराष्ट्र जीवन प्राधिकरणाने तांत्रिक मान्यता (Technical Sanction) देवून, निरी या संस्थेने सदर प्रकल्पांचे मुल्यांकन (Appraisal) केले असून ते प्रस्ताव शासनाच्या मान्यतेस्तव प्राप्त झाले होते. त्यानुसार, स्वच्छ महाराष्ट्र अभियान (नागरी) अंतर्गत गठीत मा. मुख्य सचिवांच्या अध्यक्षतेखालील उच्चाधिकार समितीच्या बैठकीत या ३४ शहरांच्या रुपये ८१.७४९२ कोटी किंमतीच्या नागरी घनकचरा व्यवस्थापन प्रकल्पास मान्यता देण्यात आली आहे. यामध्ये इगतपूरी नगरपरिषदेच्या रुपये ३.१३३१ कोटी किंमतीच्या नागरी घनकचरा व्यवस्थापन प्रकल्पाचा समावेश आहे. त्या अनुषंगाने इगतपूरी नगरपरिषदेच्या नागरी घनकचरा व्यवस्थापन प्रकल्पास प्रशासकीय मान्यता देण्याची बाब शासनाच्या विचाराधीन होती.

स्वच्छ महाराष्ट्र अभियान (नागरी) अंतर्गत इगतपूरी नगरपरिषदेच्या या शासन निर्णया सोबतच्या विवरणपत्रात नमूद एकूण रुपये ३.१३३१ कोटी किंमतीच्या नागरी घनकचरा व्यवस्थापन प्रकल्पास पुढील परिच्छेद ४ मध्ये नमूद अटी व शर्तीच्या अधीन राहून शासन प्रशासकीय मंजूरी देत आहे.

२. इगतपूरी नगरपरिषदेचा नागरी घनकचरा व्यवस्थापन प्रकल्पाचा मंजूर वित्तीय आकृतिबंध पुढीलप्रमाणे राहिल:

(रुपये कोटीत)

प्रकल्पाची मंजूर किंमत (डीपीआर नुसार)	स्वच्छ भारत अभियान (नागरी) अंतर्गत अनुज्ञेय किंमत	केंद्र शासनामार्फत अनुज्ञेय अनुदान (अनुज्ञेय प्रकल्प किंमतीच्या ३५%)	केंद्र व राज्य शासनामार्फत अनुज्ञेय अनुक्रमे ६० : ४० च्या प्रमाणात राज्य शासनामार्फत अनुज्ञेय अनुदान	नागरी स्थानिक स्वराज्य संस्थेचा सहभाग (केंद्र व राज्य शासनामार्फत अनुज्ञेय अनुदाना व्यतिरिक्त)
१	२	३	४	५
३.१३३१	३.७१८६	१.०९६६	०.७३१०	१.३०५४
				१४ व्या वित्त आयोगामधून- रुपये १.३०५४ कोटी

३. निधी वितरणाची कार्यपध्दती :

- ३.१ केंद्र शासन पुरस्कृत स्वच्छ भारत अभियानाच्या मार्गदर्शक सूचनांनुसार केंद्र व राज्य शासनाचा अनुज्ञेय हिश्याचा निधी हा दोन टप्प्यात (५० टक्के + ५० टक्के) वितरीत केला जाईल.
- ३.२ सदर प्रकल्पासाठी निधी वितरीत करताना दिलेल्या सूचनांनुसार, सदर प्रकल्पासाठी प्राप्त निधी शासनाच्या प्रचलित धोरणानुसार विहित केलेल्या बँकांमध्ये, स्वतंत्र खाते उघडून ठेवणे अनिवार्य राहिल.
- ३.३ सदर प्रकल्पासाठी वितरीत केलेला निधी त्याच प्रकल्पासाठी वापरणे बंधनकारक असून त्याचा वापर इतर प्रयोजनार्थ केल्यास सदर बाब ही गंभीर वित्तीय अनियमितता समजण्यात येईल.
- ३.४ राज्य शासनामार्फत नागरी स्थानिक स्वराज्य संस्थेसाठी प्रकल्प मंजूर झाल्यानंतर, मूळ प्रकल्प किंमतीमध्ये कोणत्याही कारणास्तव वाढ झाल्यास त्याची संपूर्ण जबाबदारी संबंधितनागरी स्थानिक स्वराज्य संस्था/कार्यान्वयन यंत्रणेची राहिल. राज्य शासनामार्फत त्या करिता कोणतेही वाढीव अनुदान उपलब्ध करून दिले जाणार नाही.

- ३.५ स्वच्छ महाराष्ट्र अभियान (नागरी) अंतर्गत मंजूर घनकचरा व्यवस्थापन प्रकल्पासाठी केंद्र व राज्य शासनामार्फत अनुज्ञेय अनुदाना व्यतिरिक्त उर्वरित निधी (उपरोक्त तक्त्यातील रकाना ५ नुसार) संबंधित नागरी स्थानिक स्वराज संस्थेने उभारून केंद्र व राज्य हिश्याच्या प्रमाणात खर्च करणे आवश्यक राहिल.
- ३.६ स्वच्छ महाराष्ट्र अभियानाच्या वित्तिय आकृतीबंधानुसार केंद्र व राज्य शासनाने वितरीत केलेल्या निधीच्या प्रमाणात नागरी स्थानिक स्वराज संस्थेने स्व:हिश्याचा निधी उभारून, सदर एकत्रित खर्चाचे उपयोगिता प्रमाणपत्र केंद्र शासनाने विहित केलेल्या प्रपत्रात सादर करणे संबंधित नागरी स्थानिक स्वराज संस्थेवर बंधनकारक असणार आहे.
- ३.७ सदर प्रकल्पासाठी उपलब्ध करून दिलेल्या केंद्र व राज्य शासनाच्या हिश्याच्या प्रथम हप्त्याचा निधीचे विहित नमुन्यातील उपयोगिता प्रमाणपत्र राज्य शासनास सादर केल्यानंतर दुसऱ्या हप्त्याचा निधी वितरीत करण्यात येईल.

४. अटी व शर्ती :

- ४.१ सदर प्रकल्पासाठी कार्यान्वयन यंत्रणा इगतपूरी नगरपरिषद राहिल.
- ४.२ केंद्र शासनाच्या मार्गदर्शक सुचना व राज्य शासनाच्या संदर्भाधीन क्रमांक १ चा शासन निर्णय व घनकचरा व्यवस्थापन नियम २०१६, नुसार सदर प्रकल्पाची अंमलबजावणी विहित कालावधीमध्ये करणे कार्यान्वयन यंत्रणेस बंधनकारक राहिल.
- ४.३ घनकचरा व्यवस्थापन नियम २०१६, अन्वये विहित केलेल्या मार्गदर्शक सूचनांनुसार घनकचरा व्यवस्थापन प्रकल्पांचे सविस्तर प्रकल्प अहवाल तयार करण्यात आलेले आहेत. या प्रकल्प अहवालाची यशस्वीता ही घनकचऱ्याचे निर्मितीच्या जागीच विलगीकरण करण्यावर आधारित आहेत. त्यामुळे शहरात निर्माण होणाऱ्या १००% घनकचऱ्याचे निर्मितीच्या जागीच विलगीकरण करून, तो कचरा वेगवेगळा संकलीत करणे अत्यावश्यक राहिल.

त्यानुसार इगतपूरी नगरपरिषदेने जून, २०१८ पर्यंत शहरात दररोज निर्माण होणाऱ्या घनकचऱ्यापैकी किमान ९०% घनकचरा निर्मितीच्या जागीच विलगीकरण करून संकलीत करणे बंधनकारक राहिल.

- ४.४ या विलगीकरण केलेल्या ओल्या कचऱ्यावर केंद्रित अथवा विकेंद्रित पध्दतीने प्रक्रीया सुरू करणे बंधनकारक राहिल.

- ४.५ या विलगीकरण केलेल्या कचऱ्याची वाहसूफेप त्यावर करावयाची शास्त्रोक्त प्रक्रीया या बाबीची सविस्तर प्रकल्प अहवालामध्ये समाविष्ट बाबींची विहित कालावधीमध्ये अंमलबजावणी करण्याची जबाबदारी कार्यान्वयन यंत्रणेची राहिल.
- ४.६ राज्यातील शहरांमध्ये प्रक्रीया न करता साठविलेल्या घनकचऱ्यावर शास्त्रोक्त पद्धतीने प्रक्रीया करून त्याची विल्हेवाट लावण्याच्या अनुषंगाने राबविण्यात येणारी बायो-मायनिंग (Bio-Mining) ही नाविन्यपूर्ण प्रक्रीया आहे. त्यामुळे बायो-मायनिंग (Bio-Mining) प्रक्रीयेचा अभ्यास करून, त्याबाबतचे धोरण तयार करण्यासाठी राज्य शासनामार्फत दिनांक २७/१०/२०१७ रोजीच्या शासन निर्णयान्वये समिती स्थापन करण्यात आली आहे. या समितीमार्फत पथदर्शी स्वरूपात काही निवडक शहरातील पूर्वीपासून साठविलेल्या घनकचऱ्यावर बायो-मायनिंग (Bio-Mining) पद्धतीने प्रक्रीया करण्यात येणार आहे. यामधून मिळणारे अनुभव विचारात घेऊन संपूर्ण राज्यात बायो-मायनिंग (Bio-Mining) प्रक्रीयेची अंमलबजावणी करण्यात येणार आहे. तोपर्यंत, नागरी स्थानिक स्वराज्य संस्थांनी घनकचरा व्यवस्थापन प्रकल्प मंजूर झाल्यानंतर प्रकल्प अहवालात बायो-मायनिंग (Bio-Mining) प्रक्रीयेचा समावेश असला तरी, बायो-मायनिंग (Bio-Mining) प्रक्रीया राबवू नये. याबाबत शासनामार्फत सविस्तर निर्देश देण्यात येतील.
- ४.७ घनकचरा व्यवस्थापन प्रकल्पाच्या सविस्तर प्रकल्प अहवालात नमूद उपकरणे/मशीन/यंत्रे इत्यादी ची खरेदी Government eMarketplace (GeM) पोर्टल वरूनच करणे बंधनकारक राहिल. याशिवाय इतर पद्धतीचा अवलंब करून खरेदी केल्यास, ती आर्थिक अनियमितता समजून शासनामार्फत पुढील उचित कार्यवाही करण्यात येईल.
- ४.८ सविस्तर प्रकल्प अहवाल तयार करताना पुढील १० वर्षांची आवश्यकता विचारात घेवून तयार केलेला आहे. या प्रकल्प अहवालाची अंमलबजावणी सुरु करताना सध्याची आवश्यकता विचारात घेवूनच आवश्यक खरेदी व बांधकामे करण्यात यावीत.
- ४.९ प्रकल्पाचे काम सुरु झाल्यानंतर प्रकल्प व्यवस्थापक सल्लागाराने कामाची गुणवत्ता व देयके प्रमाणित केल्यानंतर उपलब्ध निधीच्या मर्यादेत कामाची देयके १५ दिवसांत संबंधित कंत्राटदारास देण्याची जबाबदारी संबंधित स्थानिक स्वराज्य संस्था/कार्यान्वयन यंत्रणेची राहिल.
- ४.१० नागरी घनकचरा व्यवस्थापन प्रकल्पाच्या देखभाल दुरुस्ती खर्चासाठी आवश्यक ती यंत्रणा संबंधित स्थानिक स्वराज्य संस्थेने विकसित करावी व त्याद्वारे सदर प्रकल्पासाठीचा देखभाल व दुरुस्तीचा खर्च भागविण्यात यावा.

५. स्वच्छ भारत अभियान (नागरी) अंतर्गत इगतपूरी नगरपरिषदेच्या घनकचरा व्यवस्थापनासाठी प्रशासकीय मान्यता देण्यात येत असलेल्या सविस्तर प्रकल्प अहवालाची अंमलबजावणी करताना पुढील प्रमाणे निश्चित केलेले उद्दिष्ट पूर्ण करणे (Outcome base) कार्यान्वयन यंत्रणेस बंधनकारक राहिल.:-

- शहरात निर्माण होणाऱ्या घनकचऱ्याचे निर्मितीच्या जागी १००% विलगीकरण (at Source Segregation) करणे.
- विलगीकरण केलेल्या १००% कचऱ्याची विलगीकृत पध्दतीने वाहतूक करणे.
- ओल्या कचऱ्यापासून कंपोस्ट खत निर्मिती करणे अथवा त्यावर बायोमिथेनायझेशन पध्दतीने प्रकिया करणे.
- खत निर्मिती करण्यात येत असेल तर, ओल्या कचऱ्यापासून निर्माण केलेल्या सेंद्रिय खताची FCO मानकानुसार राज्य शासनाने प्राधिकृत केलेल्या प्रयोगशाळेमधून तपासणी करून घेवून त्यास "हरित महासिटी कंपोस्ट" हा ब्रँड मिळविणे. तसेच या सेंद्रिय खताची "हरित महासिटी कंपोस्ट" या नावाने विक्री करणे.
- सुक्या कचऱ्याचे पदार्थ पुनर्प्राप्ती सुविधा केंद्रावर (Material Recovery Facility) दुय्यम विलगीकरण (Secondary Segregation) करावे. यापैकी पुनर्वापर होऊ शकणाऱ्या सुक्या कचऱ्याचा पुनर्वापर करावा अथवा शक्य असल्यास त्याची विक्री करावी.
- उपरोक्त सर्व प्रक्रीयानंतर शिल्लक राहणाऱ्या उर्वरित कचऱ्याची भराव भूमीवर विल्हेवाट लावणे बंधनकारक राहिल.
- शहरातील डंपींग साईटवर साठविलेल्या जुन्या कचऱ्यावर प्रकिया केल्यानंतर ८० ते ९०% जमीन पुनर्प्राप्त करणे आवश्यक राहिल.

६. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१८०४०९१६००३९१८२५ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

Sudhakar
Dnyandeo
Bobade

Digitally signed by Sudhakar Dnyandeo Bobade
DN: c=IN, o=Government Of Maharashtra,
ou=Urban Development Department,
postalCode=400032, st=Maharashtra,
2.5.4.20=2a1564ba91cbcd893aaab701c944da295
0abca028f0faaa11dc3884346a4, cn=Sudhakar
Dnyandeo Bobade
Date: 2018.04.09 16:03:35 +05'30'

(सुधाकर झा. बोबडे)

उप सचिव, महाराष्ट्र शासन

प्रति,

१. मा. मुख्यमंत्री यांचे अपर मुख्य सचिव
२. मा. राज्यमंत्री नगरविकास विभाग यांचे खाजगी सचिव
३. अप्पर मुख्य सचिव, वित्त विभाग यांचे स्वीय सहायक
४. अप्पर मुख्य सचिव, नियोजन विभाग यांचे स्वीय सहायक
५. प्रधान सचिव, नगर विकास विभाग (२) यांचे स्वीय सहायक

६. सदस्य सचिव, महाराष्ट्र जीवन प्राधिकरण, मुंबई.
७. आयुक्त तथा संचालक, नगरपरिषद प्रशासन संचालनालय, मुंबई.
८. राज्य अभियान संचालक, स्वच्छ महाराष्ट्र अभियान संचालनालय, मुंबई.
९. विभागीय आयुक्त, नाशिक विभाग, नाशिक.
१०. जिल्हाधिकारी, नाशिक.
११. जिल्हा प्रशासन अधिकारी, नाशिक.
१२. मुख्याधिकारी, इगतपूरी नगरपरिषद.
१३. निवडनस्ती, नवि-३४.

विवरणपत्र

(शासन निर्णय क्रमांक:- स्वमअ-२०१८/प्र.क्र.५२/नवि-३४, दिनांक ०९ एप्रिल, २०१८ सोबतचे विवरणपत्र)

Igatpuri Municipal Council

Sr. No.	Particular	Amount (Rs)
1	Auto Tipper with two compartments	31,25,000
2	Road Side Twin litter bins 100 litre twin bin with stand	63,320
3	Screening Machine with Belt Conveyor	16,00,000
4	Single Shaft Shredder	16,00,000
5	Simple Processing Machine	7,00,000
6	Plastic Bailing Machine, 1 no.	3,20,000
7	Fire extinguisher, 10 nos.	43,440
8	Weigh bridge 1 No.	5,71,825
9	Back hoe loader for processing and Disposal 1 no.	12,06,607
10	Water tanker for processing and Disposal 1 nos	9,18,451
11	Barbed wire fencing	1,77,260.16
12	Green Area	15,580
13	Waste Receiving, Pre-Sorting Area	1,40,796.74
14	Curing Platform	2,29,468.18
15	Windrow Platform	19,19,955.49
16	Road, 7 m wide	4,81,329.59
17	Leachate Holding & Evaporation tank	1,50,516.17
18	Drainage Works (0.5m*0.4m)	3,32,499.4
19	Drainage Works (0.25m*0.2 m)	2,62,978.53
20	Dry Waste Processing Shed	14,58,514.17
21	Wet Waste Processing Shed	14,58,514.17
22	Office	2,29,056.98
23	Rest room for workers	2,22,693.82
24	Weigh bridge room	2,20,485.09
25	Toilet	2,60,301.67
26	Process Rejects Platform	11,77,666.19
27	Bio-mining of old dumped waste	77,85,119.1
28	Compost pits	9,89,052
29	Dry Waste collection centre	8,23,096
30	Public awareness programmes	28,48,352.645
	Base Cost Of the Project (Rs)	3,13,31,879.1



277 Exhibit "RJ-9". 164

IGATPURI MUNICIPAL COUNCIL, IGATPURI (DIST.- NASHIK)

☎ (02553) 244010, 244398 (PIN- 422 403) ✉ igatpurimun@gmail.com

O.W.No. : IMC/PWD.04/MPCB/951/2022.

Date : 22/12/2022.

To,
The Regional Officer,
Maharashtra Pollution Control Board,
Nashik.

Sub : Reply to Show Cause Notice for non-compliance of Solid Waste Management Rules, 2016.

Ref : Your Letter No. MPCB/SCN/2914 Dtd 16/12/2022
(Recd on 21/12/2022)

Sir,

With reference to above show cause notice following is the reply and status for collection, treatment and disposal of solid waste dumping site of Igatpuri Municipal Council at S.No. 142.

- i) Igatpuri Municipal Council obtained the MSW Authorization for disposal of Municipal Solid Waste at Gut. No. 142, Golibar Maidan vide letter no. Dt. But due to another site of Gat No. 37 (Pt) at Avalkhed for MSW identified and purchased, the authorization of Gut. No. 142 not renewed.
- ii) The dry solid waste generated daily (approx.. 4 MTD) being get segregated daily at MRF. And Segregated material like paper, glass etc. disposed off in proper way. And Plastic generated being taken away by Rajasthan Plastic Industries, Malegaon.
- iii) There is no huge quantity dumped on site, It is disposed off with machineries.
- iv) The problem of foul smell in the surrounding residential area is rectified by spraying bio-culture on dumped waste.
- v) The daily solid waste approx.. 7 MT is collected in all 9 wards of Igatpuri. in Igatpuri Municipal Limit there are total 9 wards.
- vi) The burning of solid waste observed was not done by IMC. Its due to some chemical process due to sun heat.
- vii) The compound wall is constructed to said site.

As proposed MSW site at Gat no. 37(pt) Avalkhed is under litigation. The matter is pending with Hon. High court, Mumbai (W.P.No. 4548/2010).

Kindly accept the reply as above.
Thanking You.

Yours Faithfully,

(Pankaj Vishnu Gosavi)
Chief Officer
Igatpuri Municipal Council

Copy to : Sub- Regional Officer, Maharashtra Pollution Control Board, Nashik.

MAHARASHTRA POLLUTION CONTROL BOARD

165

Grams : " PREPOLL "
Tel No. : 0253/2365150
Fax : 0253/2365150



REGIONAL OFFICE :
Udyog Bhavan, 1st Floor, Trimbak Road,
MIDC Compound, Near I.T.I.
Satpur, Nashik - 422 007.

No. MPCB/RONKMSWA/1877

DATE : 12/8/04

FORM - III
[See - Rule 6 (3)]

To,
The Chief Officer,
Igatpuri Municipal Council,
Igatpuri, Dist: Nashik.

Ref : Your application for grant of renewal of authorization received through SRO, Nashik vide letter No. MPCB/SRON/702 dated 28/4/04

The Maharashtra Pollution Control Board after examining the proposal hereby authorises the Chief Officer, Municipal Council Igatpuri, Dist: Nashik having their administrative office at Municipal Council, Igatpuri, Dist: Nashik to set up and operate waste processing / waste disposal facility at Sr. No. 142, Golibar Maldan, Near C.S. No. 158 D, Igatpuri on the terms and conditions (including the standards to comply) attached to this authorization letter as Annexure-I.

1. The validity of the authorisation is till 31-12-2005. After the validity, renewal of authorisation is to be sought.
2. The Maharashtra Pollution Control Board may, at any time, revoke any of the condition applicable under the authorisation and shall communicate the same in writing.
3. Any violation of the provision of the Municipal Solid Wastes (Management & Handling) Rules, 2000 will attract the penal provision of the Environment (Protection) Act, 1986 (29 of 1986)

D.A. Annexure -I

A. D. Mohekar
(A.D. Mohekar)
Regional Officer

Copy submitted for information to :-
1] The Collector, Nashik, District- Nashik.

Being one of the implementing authorities having overall responsibility for the enforcement of the provisions of Municipal Solid Wastes (M & H) Rules 2000, it is obligatory on your part to see that the Municipal Solid Waste is processed and disposed of in accordance with the said Rules.

Copy to
Sub Regional Officer, MPCB, Nashik for necessary action

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE,

BENCH AT PUNE

Original Application No. 2407/2023
DISTRICT: NASHIK

Ajay Gulab Singh

...APPLICANT/
APPELLANT

VERSUS

The Secretary, Environment Department.
...RESPONDENT

VAKIL PATRA

The chief officer, Igatpuri
I, Municipal Council, above-named ^{respondent No. 6} applicant do hereby appoint and authorize **Talekar and Associates**, a litigating law firm, as advocates to appear, plead and to act for me/us in the above matter.

This Vakalatnama dated 5th day of May, 2023.
Accepted

Signature of Advocates



Talekar and Associates (I-17184)

#1, 2, Business Centre,
Taj Wellington Mews,
33, Nathalal Parikh Road,
Colaba, Mumbai.

Phone No. +91 9321142140

Email ID : contact@advtalekar.co.in

Enrolment ID: MAH-LF/45/2017

*The advocates are not members of the Welfare Fund.


CHIEF OFFICER
IGATPURI MUNICIPAL COUNCIL
Signature of client

