

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 75 OF 2021

BETWEEN:

THE CLIFF GARDEN CONDOMINIUM B & C & ORS. APPLICANTS

VERSUS

GRAM PANCHAYAT, MAAN & ORS RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 7

I, Prakash V. Bhadange, Age 51, Deputy Engineer holding charge as Executive Engineer having my office at Jog Center, 4th Floor, Wakadewadi, Pune-03 , the Respondent No. 7 (hereinafter referred to as the Corporation/MIDC) in the above mentioned application and having my office at Udyog Sarathi, Mahakali Caves Road, Andheri (East), Mumbai – 400 093, do hereby state on solemn affirmation as under:

1. I say that I have read the copy of the above Application and the Joint Committee Report dated 16th November 2022 and I have perused the relevant records pertaining to above matter as available in my office and being conversant with the facts and circumstances of the case, I am able to depose to the same. I am filing the present Affidavit in reply, to oppose the admission of the above Application. I crave leave of this Hon'ble Tribunal to file further Affidavit, if necessary. I deny all the allegations made and / or contentions raised in the above Application, though not specifically dealt with by me and traversed herein, which are contrary to and inconsistent with what is stated herein.



2. **MID ACT AND POWERS AND FUNCTIONS OF MIDC (Corporation) :**

I say that MIDC has been established under Maharashtra Industrial Development Act, 1961 (MID Act) . I say that the aim and objects of MID Act is to make special provision for securing the orderly establishment in industrial areas and industrial estates of industries in the state of Maharashtra, and to assist generally in the organization thereof, and for that purpose to establish an Industrial Development Corporation, and for purposes connected with the matters aforesaid. I say that MIDC has been established for the purpose of securing and assisting the rapid and orderly establishment and organisation of industries in industrial areas and industrial estates in the State of Maharashtra.

The functions of the MIDC are generally to promote and assists in the rapid and orderly establishment, growth and development of industries in the State of Maharashtra and to establish and manage industrial estates at places selected by the State Government, develop industrial areas at the place selected by the State Government for that purpose and make them available for undertakings to establish themselves, assist financially by loans to industries to move their factories into such estate or areas, and to undertake schemes or works, either jointly with other corporate bodies or institutions, or with Government or local authorities, or on an agency basis, in furtherance of the purpose for which the Corporation is established and all matters connected therewith.



The MIDC has powers to acquire and hold property, moveable and immovable for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by the Corporation on such conditions as may be deemed proper by the Corporation and also to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions.

Broadly stated the functions and powers of the Corporation are to develop industrial areas and industrial estates and to make available buildings on hire or sale to industrialists or persons intending to start industrial undertakings and to allot factory sheds, buildings, residential tenements to suitable persons in industrial estates established or developed by the Corporation and to lease, sell, exchange or otherwise transfer any property held by the Corporation on such conditions as may be deemed proper by the Corporation.

However, the Lessees/ individual industries are bound to comply with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and the rules made thereunder as also with any condition which may, from time to time be imposed by the Maharashtra Pollution Control Board. Constituted under the said Act, as regards the collection treatment and disposal or discharge of effluent or waste or otherwise howsoever and shall indemnify and keep indemnified the Lessor (MIDC) against the consequence or any breach or non-compliance of any such provision in condition as aforesaid.



Thus, it would be clear from the aforesaid that MIDC takes all the possible precautions in respect of environmental protection so as to avoid environmental damage to the industrial areas.

3. I say and submit that I am filing the present Affidavit in reply in view of the Original Application dated 12th April 2021 as well as Interim Application dated 5th January 2022 along with the Report of the Joint Committee dated 16th November 2022 which was filed in compliance to the order dated 10th March 2022 regarding illegal dumping of raw and unsegregated garbage and raw untreated sewage along the boundary of the Applicant's Society.
4. I say and submit that vide order dated 10th March 2022, the Hon'ble Tribunal in order to access the problem has directed that a factual report in the matter for fixing the accountability for ensuring compliance of Solid Waste Management Rules, 2016 should be produced. Accordingly, a joint Committee comprising of Secretary, Rural Development, Director Panchayat, Director Environment, State PCB and Collector Pune was constituted to ascertain the facts and to ensure whether the statutory authorities have performed their responsibilities. Therefore, in compliance to the order dated 10th March 2022 a Joint committee report dated 16th November 2022 was submitted.
5. I say that I shall deal with the germane aspects of the Applications as well as the as the Joint Committee Report submitted before this Hon'ble Tribunal:
 - 5.1. I say and submit that the Applicant is an association of apartment owners of the housing society - Cliff Garden Condominium, MIDC Rajiv Gandhi



Infotech Park, Maan, Pune constructed by VH Township Pvt. Ltd. (the Promoter). According to the application, approximately 650 flat owners have purchased flats in the project for which Environmental Clearance (EC) was granted on 30th September 2014 and flats were handedover on 3rd August 2019 as per the plans and layout sanctioned by the Corporation. The Applicant alleges that the village Panchayat is dumping garbage and untreated sewage on the boundary of the project. The waste is resulting in threat to public health due to menace of mosquitoes, flies, etc. Furthermore, the Applicant alleges failure of responsibility on the part of the Authorities namely - Collector, Zila Parishad, Environment Department, State PCB, MIDC, PMRDA, Forest, Department, CPCB, State government and Central government.

5.2.I say and submit that the Original Application dated 12th April 2021 does not have any specific prayers against the Corporation. However, the Corporation being the appropriate Planning Authority under the provisions of the Section 40(1A) of the Maharashtra Regional and Town Planning Act 1966(MRTP) is considered to provide the basic infrastructure and amenities to the residents of the area. However with respect to the illegal garbage dumping/solid waste dumping done on the boundary of the project is beyond the limits of the Corporation as per the joint inspection of the illegal dumping of the waste when Mr. Patil, Village Development Officer, Mann Village, Mr. Bandelwor, Surveyor, MIDC, Regional Office (II) and Mr. Bhadange, Deputy Engineer (I) MIDC IT Division as well as the representative of the Applicant was present on 24th September 2021.



During the inspection it was observed that the illegal dumping is being done outside of the Plot no. R-2/1 in Phase III which is outside the MIDC boundary area. I say that the same was pointed out to the representative of the Society i.e Applicant. This stand of the Corporation is supported by the Applicants submission at Paragraph No 9(2) of the Original Application which clearly states that the illegal dumping is most probably done on "Forest Lands". It is therefore clear that the illegal dumping is done outside boundry of the plot No. R-2/1 in Phase III thus the same is outside the territorial jurisdiction of the Corporation. Nevertheless the Corporation is ready to extend an helping hand to the Respondent No. 1.

5.3.I say and submit that Paragraph No. 8 of the Interim Application states that a notice dated 24th September 2021 was issued by the Applicants in respect of illegal dumping at base of hill on south side of plot R-2/1 in Rajiv Gandhi IT Park in MIDC Phase 3 village Maan Taluka Mulshi, Dist. Pune. Accordingly the Corporation vide letter dated 2nd December 2021 has responded to the notice /letter stating that with respect to MPCB's consent relating to solid waste disposal, it is mandatory for all units in Corporation to dispose off solid waste as per the MPCB norms. Furthermore considering the issue of disposal of Non Hazardous solid waste, the Corporation reserved Plot No. AM-11 in Rajiv Gandhi Infotech Park Phase-III admeasuring 20,000 square meters for Non Hazardous solid waste disposal facility. The Corporation intends on setting up modern Technology Non-Hazardous solid waste disposal facility on the Plot . Furthermore, the Corporation has clearly stated that the illegal dumping is not within its



territory. Annexed hereto and marked as **Exhibit-"A"** is a copy of the letter dated 2nd December 2021.

5.4.I say and submit that the Joint Committee report has recorded the state of illegal dumping and the steps taken towards restoration by the concerned authorities. It is seen that there is an improvement in the conditions and the authorities are taking effective steps to restore the environment. The conclusion is inclined towards a positive response filed by the Committee members and records the following:

- i. There is no more dumping of Municipal Sewage Waste (MSW) at the site. Furthermore, the committee visited the said MSW reprocessing plant and during the visit the same was found in operation.
- ii. A full fledged Sewage Treatment Plant (STP) Based on SBR technology is set up having treatment capacity of 2.0 MLD. During the visit, the STP was found in operation. Treated sewage is being disposed in nearby natural drainage after disinfection and the Sludge generated is used as manure.
- iii. During visit of Joint Committee no abnormal smell or stench was observed around the Project.
- iv. Steps are been taken to dispose of the previously dumped MSW at Survey. No. 262 and submitted for technical approval to Maharashtra Jeevan Pradhikaran (MJP) on 6th September 2022 as reported by the local body.

5.5.I say and submit that the Joint Committee dated 16th November 2022 records the translated copy of the response of the Respondent no. 1 that the village Maan generates 20.0 to 25.0 MT/Day as Municipal Solid Waste (MSW). The Respondent No. 1 has dumped the MSW generated at S. No.262 since the last



25 to 30 years. Furthermore, the Respondent No. 1 alleges that the MIDC Corporation has not installed any MSW treatment and disposal plant for increased daily waste generation. Hence MSW is being disposed illegally through private vendors on dumping ground thus leading to deposition of huge quantity of MSW. However the said allegation is denied as the dumping is not done within the industrial area or of industrial waste but solid waste which is mainly municipal solid waste i.e non-hazardous waste.

5.6.I say that infact Respondent No. 1, Grampanchayat independently given notices to industries and residential projects in MIDC area about scientific disposal of MSW generated by the industries and residential areas.

5.7.I say that it is pertinent to note that the response of the Respondent No. 1 Grampanchayat vide its letter dated 13th October 2022 and 9th November 2022 categorically states that the MSW treatment plant was installed on S. No. 300/1 in March 2021 but due to the framer opposition the plant was closed down and since April 2022 daily generated MSW was sent to private treatment plant. Furthermore, as road access issue has been resolved for site located at S.No-300/1 in Village Maan, since October 2022 the plant operations have been resolved and MSW is now being treated at this plant.

5.8.I say and submit that the Corporation has taken the following steps which this Hon'ble Tribunal may consider given the limited role of the Corporation being the facilitator of industrial development in its own areas.

5.9.I say that the Respondent No. 2 vide letter dated 17th September 2021 requested the Corporation for allotment of Plot No. AM-11 admeasuring approximately 20000 sq. mtrs (i.e 5 Acres) in Rajiv Gandhi Infotech Park



Phase III. However, the proposal was rejected by the Corporation as MIDC intends on setting up of a world class Modern Technology based infrastructure for Solid Waste Treatment Plant. Thus, the request of Respondent No. 2 was rejected and the same was informed vide letter dated 26th October 2021. Annexed hereto and marked as **Exhibit- "B"** is a copy of the letter dated 26th October 2021.

5.10. Furthermore, the Corporation addressed a similar letter dated 14th March 2022 to the Respondent No. 1 stating that Plot No. AM-11 admeasuring approximately 20000 sq. mtrs (i.e 5 Acres) cannot be allotted as the Corporation intends to set up a world class Modern Technology based infrastructure for Solid Waste Treatment Plant. Annexed hereto and marked as **Exhibit- "C"** is a copy of the letter dated 14th March 2022

5.11. Accordingly, the Corporation called in tenders for setting up of the Non- Hazardous Solid Waste Treatment Plant /facility for 10 MT/day capacity for disposal of Non- Hazardous Waste vide tender notice no.16/2022 dated 16th May 2022. Subsequently, only a single bid was received for the tender notice on 20th June 2022 which was exorbitant. As the bid received was single and extremely high the same was rejected. Nevertheless the Corporation has initiated a retendering process for setting up of the Solid Waste Treatment Plant facility for units in the IT Park.



6. Thus in light of the above, the limited role of the Corporation as a facilitator and the steps taken by the Corporation for setting up Non- Hazardous Solid Waste Treatment Plant /facility or Disposal Project, it is humbly requested that the Hon'ble Tribunal may pass appropriate orders and dispose of the application.

Solemnly affirmed at Mumbai)

on this 4th day of January 2023)

Little & Co.

Advocates for the Respondent No.7

Identified by me:

Adv. Shyamali Gadre

DEPONENT
Executive Engineer
 MIDC, I. T. Division
 Jog Center, 4th Floor,
 Wakdewadi, Pune-411 003.



VERIFICATION

I, Prakash V. Bhadange, Age 51, Deputy Engineer holding charge as Executive Engineer having my office at Jog Center, 4th Floor, Wakadewadi, Pune-03 , the Respondent No.7 abovenamed do hereby solemnly declare that what is stated in paragraphs 1 to 6 of the above Affidavit are true and correct being based on my knowledge, and based on information received by me and believed to be true.

prakash
Executive Engineer
MIDC, I. T. Division
Jog Center, 4th Floor,
Wakadewadi, Pune-411 003.

DEPONENT

Place: Mumbai.
Date: 4th January 2023

BEFORE ME

A. R. SURVE
ADVOCATE & NOTARY
GOVT. OF INDIA
REG. No. 16353

Seen Original
PAN / Aadhar / Election
Card / Driving License / I-
Card - Passport / POA
Bearing No. 420030552576

Dated: - 4 JAN 2023
For Verification D

NOTED & REGISTERED
Page No. 16/94
Date 4 JAN 2023





MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

(A Govt. of Maharashtra Undertaking)

Office :- Jog Center, 4th floor, Wakdewadi, Pune-03.

Phone / Fax No. 020-25538816 / 25539271.

e-mail : cepunednit@midcindia.org

No./E.E/IT/ E-62034 /2021.

Date : 02/12/2021

To,
Adv. Saurabh D. Kulkarni,
420, Shaniwar peth, Near Ahilya Devi School,
Next to Sudarshan Hall, Pune-411 030.

**Sub :- Notice in respect of illegal dumping at base of hill
On south side of plot no. R-2/1 in Rajiv Gandhi IT Park
in MIDC, Ph-III, Village Maan, Tal-Mulshi, Pune-411057.
Reply to your notice regarding MIDC issues...**

Ref :- Your notice vide no. Nil dt. 24.09.2021.

A notice for subject matter is received from you on behalf of "The Cliff Garden Co. operative Housing Society Ltd". In this notice, you have made Chief Engineer, MIDC, Pune as addressee no.7 among 12 addressee.

The reply to your notice pertaining to MIDC is as below.

MIDC has developed Rajiv Gandhi IT Park Ph-III on 351.00 hect area in village limits of Maan. Out of this, 223.56 Hect area has been developed as Special Economic zone & 128.00 Hect area is developed as residential area. All infrastructural facilities like asphalt/concrete road, street lights, water supply, concrete ducts for electrical lines, compound wall for SEZ etc in this park are provided.

As regards to solid waste disposal, it is to inform you that as per MPCB's consent, it is mandatory to all units in MIDC, to dispose off solid waste by the concerned industry as per MPCB norms. Considering the issue of disposal of Non Hazardous solid waste, MIDC has reserved plot no AM-11 in RGIP Ph-III admeasuring 20000 m2 for Non Hazardous solid waste disposal facility. MIDC has planned to setup modern Technology Non Hazardous solid waste disposal over this plot.

As per verbal complaint received from Hinjewadi Employees & Resident Trust, joint inspection of illegal dumping of waste on south side of plot no. R-2/1 is done on 24.09.2021, when Shri. Patil, Village Development officer, Maan Village, Shri. Bandelwar, Surveyor, MIDC, Regional Office (II), Pune, Shri. Bhadange, DE (I), MIDC IT Division & representative of The Cliff Garden Co-operative Housing Society were present. During inspection, it is observed that the illegal dumping is being done which is outside the plot no R-2/1 in Phase-III & outside MIDC.

True copy

Adv. Janhavi Gaikwad.



boundary. The same is informed to representative of The Cliff Garden Co-operative Housing Society. However necessary assistance/co-operation for prevention of this illegal dumping will be given to the concerned authority.

Regarding disposal of Hazardous waste, a centralized site for disposal of Hazardous waste is finalised in Ranjangaon for Pune zone & MIDC has allotted plot no.P-56 in Ranjangaon Indl area to M/s. MEPL & this centralized facility is in operation. It is expected that industries producing hazardous waste, needs to send their factory hazardous waste at this site for proper disposal.

This is for your information.

Thanking you,

Your's Faithfully,



(V.P. Ruikar)
Executive Engineer
MIDC IT Division
Pune-03.

Copy submitted to Chief Engineer (PZ), MIDC, Pune for favour of information please.

Copy submitted to Supertending Engineer, MIDC, Circle (II), Pune for favour of information please.

Copy fwcs to Regional officer (II), MIDC, Pune for information & further needful please.





प्रादेशिक अधिकारी (२)
यांचे कार्यालय
मऔविम, जोग सेंटर, ५ वा मजला
पुणे-मुंबई रस्ता, वाकडेवाडी,
पुणे-४११ ००३.

जा.क्र. मऔविम/प्रा.अ. पुणे-२/ २७८२. /२०२१

दिनांक २५/१०/२०२१

प्रति,

मा. मुख्य कार्यकारी अधिकारी,
जिल्हा परिषद पुणे, नवीन प्रशासकिय ईमारत,
डॉ. बाबासाहेब आंबेडकर मार्ग, पुणे - ४११ ००१"

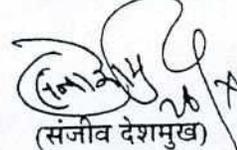
विषय: राजीव गांधी माहिती व तंत्रज्ञान उद्यान टप्पा क्र.३
घनकचरा व्यवस्थापना करीता जागेच्या मागणी बाबत.

- संदर्भ:- १. आपले कार्यालयाचे पत्र दिनांक २६/१०/२०२०
२. या कार्यालयाचे पत्र क्र.१६१७, दिनांक ३०/१०/२०२०
३. आपले कार्यालयाचे पत्र दिनांक ०९/०३/२०२१
४. या कार्यालयाचे पत्र ११११, दिनांक २९/०५/२०२१
५. आपले पत्र दि. १७/०९/२०२१
६. श्री नंदकुमार लक्ष्मण भोईर, सरचिटणीस राष्ट्रवादी काँग्रेस पार्टी पुणे जिल्हा
यांचे मा. मुख्य कार्यकारी अधिकारी, मऔविम, मुंबई यांना सादर प्रकरणी जागा
वाटप न करणे बाबत सादर केलेले पत्र दि. ३०/०९/२०२१
७. हिंजवडी इंडस्ट्रीयल असोसिएशन हिंजवडी यांचा मा. मु.का.अ. मऔविम,
मुंबई यांना सादर केलेला ई-मेल संदेश दि. २५/१०/२०२१
८. मुख्यालयाची टिपणी क्र. D८३३१६ दि. १२/१०/२०२१ या कार्यालयास प्राप्त
दि. २२/१०/२०२१

महोदय,

राजीव गांधी माहिती व तंत्रज्ञान उद्यान टप्पा क्र. ३ मध्ये घनकचरा व्यवस्थापना करीता २००००
चौ.मि. क्षेत्र मिळण्याची आपली विनंती या कार्यालयास प्राप्त झालेली होती. सादर विनंती या कार्यालयाकडून
मुख्यालयाच्या आदेशास्तव सादर करण्यात आलेली होती. तथापी राजीव गांधी माहिती व तंत्रज्ञान उद्यान हिंजवडी
येथे महामंडळा मार्फत Modern Technology आधारीत घनकचरा व सांडपाणी व्यवस्थापन प्रकल्प राबविणार
असल्याने आपली भूखंड वाटपाची विनंती मुख्यालयाने अमान्य केलेली आहे, आपले माहितीस्तव सविनय सादर.

आपला विश्वासू,


(संजीव देशमुख)

उपजिल्हाधिकारी तथा
प्रादेशिक अधिकारी (२),
मऔविम, पुणे

प्रत: मा. सह मुख्य कार्यकारी अधिकारी (मा. व तं.), मऔविम, मुंबई यांचे माहितस्तव सविनय सादर.

प्रत: मा. उप मुख्य कार्यकारी अधिकारी (२), मऔविम, मुंबई यांचे माहितस्तव सविनय सादर.

प्रत: मा. अधिक्षक अभियंता (२), मऔविम, चिंचवड, पुणे यांचे माहितस्तव व पुढील योग्य त्या कार्यवाहीस्तव
सविनय सादर.

प्रत: कार्यकारी अभियंता (मा. व तं.), मऔविम, पुणे यांना पुढील योग्य त्या कार्यवाहीस्तव अग्रेषीत.

True Copy

Adv. Janhavi Gaikwad



महाराष्ट्र औद्योगिक विकास महामंडळ

(महाराष्ट्र शासन अंगिकृत)



प्रादेशिक अधिकारी पुणे-२ यांचे कार्यालय,
म.औ.वि.म., जांग सेंटर, पाचवा मजला,
वाकडेवाडी, पुणे -०३.

फोन क्र. ०२०-२५८२१६६०

फॅक्स क्र. ०२०-२५८१२५८०

Email address : ropune2@midcindia.org

जा.क्र. मऔविम/प्रा.अ. पुणे-२/ ४२३ /२२ दिनांक ३४ /०३/२०२२

प्रति,
सरपंच, ग्रामपंचायत माण,
मु. पो. माण, ता. मुळशी, जि. पुणे

विषय: राजीव गांधी माहिती व तंत्रज्ञान टप्पा क्र. ३
घनकचरा व्यवस्थापनासाठी जागा मिळणेबाबत.

संदर्भ:- १. आपले पत्र दिनांक ०७/०३/२०२२
२. या कार्यालयाचे मा. मुख्य कार्यकारी अधिकारी, जि. प. पुणे
यांना लिहिलेले पत्र क्र. २१८२, दिनांक २६/१०/२०२१

महोदय,

राजीव गांधी माहिती व तंत्रज्ञान उद्यान टप्पा क्र.३ मध्ये घनकचरा व्यवस्थापना करीता ६००० चौ.मी. जागा मिळणेची आपली विनंती या कार्यालयास प्राप्त झालेली आहे. सदर विनंतीच्या अनुषंगाने आपणांस कळविण्यात येते की, यापूर्वी सदर क्षेत्रात घनकचरा व्यवस्थापना करीता या कार्यालयाकडे भुखंडाची मागणी प्राप्त झालेली होती.

सदर विनंती या कार्यालयाकडून मुख्यालय, मऔविम, मुंबई यांना सादर केली असता, राजीव गांधी माहिती व तंत्रज्ञान उद्यान हिंजवडी येथे महामंडळामार्फत Modern Technology आधारित घनकचरा व सांडपाणी व्यवस्थापन राबविणार असल्याने आपली भुखंड वाटपाची विनंती मुख्यालयाने अमान्य केलेली असल्याचे संदर्भिय पत्र क्र.२ अन्वये या कार्यालयाकडून कळविण्यात आलेले आहे.

कळावे.

आपला विश्वासू,



(Am) 2/3/2022
प्रादेशिक अधिकारी (२),
मऔविम, पुणे

True copy
Adv. Janhavi Gaikwad

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 75 OF 2021

THE CLIFF GARDEN CONDOMINIUM
B & C & ORS. APPLICANTS

VERSUS

GRAM PANCHAYAT, MAAN
& ORS RESPONDENTS



**ADDITIONAL AFFIDAVIT ON BEHALF
OF RESPONDENT NO. 7**

Dated this 4th day of January 2023

Little & Co
Advocates for the Respondent No.7
Mumbai