

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

(By Video Conferencing)

Original Application No. 62/2020 (WZ)

Dagadkhan Asanghatit Kamgar

Vikas Parishad, Maharashtra

Applicant

Vs.

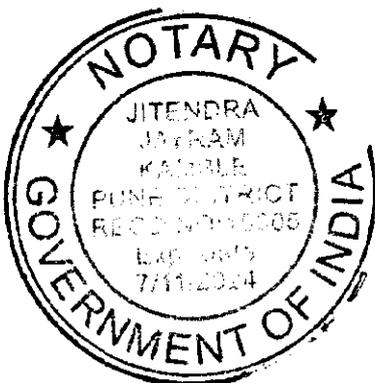
State of Maharashtra & Ors.

Respondents

**Affidavit in Reply on behalf of Maharashtra Pollution Control Board
i.e. Respondent No. 02**

I, Nitin Shinde, Age – 56 Years, Occupation – Service, the I/c Regional Officer of the Maharashtra Pollution Control Board at Pune having my office address at Jog Center, 03rd floor, Wakdewadi, Old Pune – Mumbai Road, Pune – 411 003, do hereby state on solemn affirmation as under –

- 1) I say and submit that Hon'ble NGT vide Order dated 29/09/2020 constituted a joint committee of the Collector, Pune, Pune Metropolitan Region Development Authority and Maharashtra Pollution Control Board and directed to submit the report. I submit that the Joint Committee submitted its report on 11/08/2021 before Hon'ble NGT.



- 2) I say and submit that the Joint Committee reported that Gram Panchayat Wagholi was utilizing the land in Gat No.1419 admeasuring to an extent of 1.9 acres ever since 1998-99 for dumping municipal solid waste without treating it and during field visit, it was found that the legacy waste was to the tune of nearly 200 tones.
- 3) I say and submit that the M. P. C. Board has assessed Environment Compensation against Pune Metropolitan Region Development Authority as per calculation mentioned below –
- As per the Solid Waste Management Rules, 2016, necessary infrastructure for implementation of the said Rules shall be created by the Local Authorities and other concerned authorities within the time frame specified in the said Rules.
 - As per the Solid Waste Management Rules, 2016 – setting up common or regional sanitary landfills by all local bodies and census towns under 0.5 Million populations for the disposal of permitted waste was 03 years.
 - As per the said Rules, the M. P. C. Board has considered 03 years for setting up necessary infrastructure for implementation of the Rules from 08/04/2016 to 08/04/2019.
 - Environment Compensation is calculated as below -
 - i) Local Body should have provided Treatment system from – 08/04/2019.
 - ii) M.P.C. Board Official visited the site on 27/12/2019 and observed MSW processing activity such as segregation and composting by culture spraying was in process. During the visit, it was observed



that the plastic pyrolysis machinery was installed and it was under the trial runs.

iii) The Joint Committee visited the said site on 06/05/2021 and observed that MSW was being handed over to third unauthorized party.

iv) Waste generation – 15 TPD

v) Waste disposed as per Rules – 0

vi) $N = \text{Number of days} = 08/04/2019 \text{ till } 27/12/2019 \text{ and } 06/05/2021 \text{ till } 30/06/2021 = 263 + 55 = 318 \text{ days}$

vii) Marginal cost of Environmental Externality = 0.01

viii) Therefore, EC (in Lakh Rs.) = $2.4 (\text{Waste generation} - \text{Waste disposed as per the Rules}) + 0.02(\text{Waste generation} - \text{Waste disposed as per the Rules}) \times N + \text{Marginal Cost of Environmental Externality} \times 9 \text{Waste generation} - \text{Waste disposed as per the Rules}) \times N$

ix) $EC \text{ (Lakh)} = 2.4(15-0) + 0.02(15-0)318 + 0.01 \times (15-0) \times 318$
 $= 36 + 95.4 + 47.7$
 $= 179.1 \text{ Lakhs i.e. } 01,79,10,000/-$

4) I say and submit that the Respondent-Board has assessed the Environment Compensation against the PMRDA as per the above mentioned calculations and directed the PMRDA vide show cause notice dated 04/03/2022 to deposit the amount of Rs. **01,79,10,000/- (Rs. One Crore Seventy-Nine Lakhs Ten Thousand)** only towards Environment Compensation for the damage caused to the environment. A photocopy of the show cause Notice dated 04/03/2022 is attached and annexed herewith as an Annexure – 'I'.



U 4 MAR 2022

Solemnly affirmed on this ...th... Day of March, 2022 at Pune.



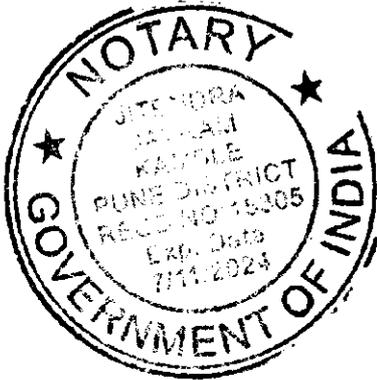
I know the affiant.

For and on behalf of Maharashtra
Pollution Control Board

ADVOCATE

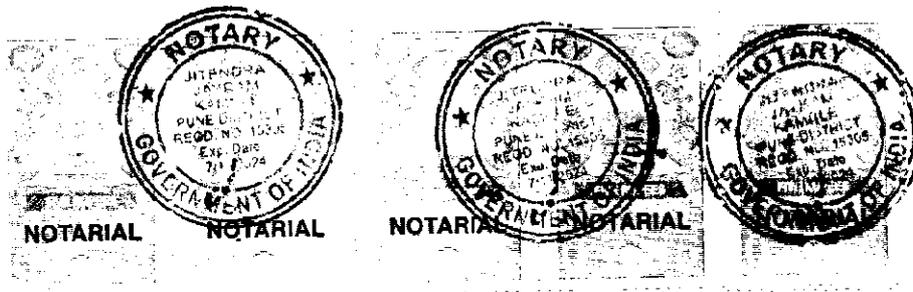
Nitin Shinde
04/III/22
(Nitin Shinde)

I/c Regional Officer, MPCB-Pune



BEFORE ME

Jitendra Kamble
JITENDRA J. KAMBLE
ADVOCATE & NOTARY
GOVT. OF INDIA
PUNE



0 4 MAR 2022

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

Phone No. 020-25816451

Fax No. 020-25811701

e-mail:

ropune@mpcb.gov.in



Jog Centre, 3rd Floor, Wakdewadi,

Old Pune Mumbai Road,

Pune- 411003

MPCB/ROPI/220304-FIS-0071

Date: 04/03/2022

To
Pune Metropolitan Region Development Authority,
S. No. 152-153,
Maharaja Sayajirao Gaikwad Udyog Bhavan,
Aundh, Pune - 411 007.

Sub: - Show Cause Notice for Environment Compensation.

Ref. :- Order dated 07/10/2021 passed by the Hon'ble NGT in O.A. No. 62/2020 Dagadkhan Asanghatit Kamgar Vikas Parishad Maharashtra v/s State of Maharashtra filed before Hon'ble National Green Tribunal, Western Zone Bench, Pune.

Dagadkhan Asanghatit Kamgar Vikas Parishad Maharashtra has filed an application before Hon'ble NGT bearing no. O. A. 62/2020 (WZ). The application has been filed against illegal dumping of municipal solid waste by Wagholi Gram Panchayat and Pune Metropolitan Region Development Authority on common land next to residential apartments and hutments of quarry workers at Wageshwarnagar in village Wagholi, Taluka Haweli, District Pune, wherein PMRDA is the Respondent No.3.

In the aforesaid matter, the Hon'ble NGT vide order dated 29/09/2020 constituted a joint committee of the Collector, Pune; Pune Metropolitan Region Development Authority and Maharashtra Pollution Control Board and directed a committee to submit the report. Accordingly, the Joint Committee submitted the report before Hon'ble NGT on 11/08/2021, wherein the joint committee reported that the Respondent No. 4- Gram Panchayat is utilizing the land in Gt No. 1419 admeasuring to extent of 1.9 acres ever since 1998-99 for dumping municipal solid waste without treating it and during field visit, it was found that the legacy waste was to the tune of nearly 200 tones.

: 2 :

The Hon'ble NGT vide order dated 07/10/2021 directed to assess environment compensation for illegally dumping of municipal solid waste at Wagholi village by PMRDA, as reported by the Joint Committee.

In compliance of the Order dated 07/10/2021 passed by Hon'ble NGT, you are hereby directed to deposit an amount of **Rs. 01,79,10,000/- (Rs. One Crore Seventy-Nine Lakh Ten Thousand) only** towards the assessment of damage already caused to the environment and recovery of environmental compensation as per 'Polluters Pay' Principle to the Maharashtra Pollution Control Board, Kalpataru Point, 3rd Floor, Sion (East), Mumbai-400 022, within a period of 7 days from date of receipt of this Notice, failing which, the Board will have no option than to initiate appropriate legal action against you, which please note.

This is issued with the approval of the competent Authorities of the Board.

For and on behalf of the
Maharashtra Pollution Control Board

Nitin Shinde
04/III/22
(Nitin Shinde)

I/c Regional Officer, MPCB – Pune.

Copy submitted to: Hon'ble Member Secretary, MPCB, Mumbai- for favour of information.

Copy f.w.c. to: Joint Director (WPC)/Law Officer (P& L Div.), M. P. C. Board, Sion, Mumbai – for information.

Copy: Sub-Regional Officer, Pune-II- for information and necessary follow up.

