

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

Original Application No.68/2021(WZ)

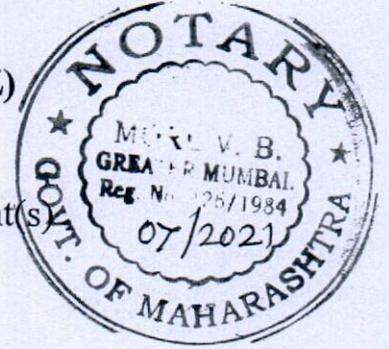
Vanshakti & Anr

Vs

Municipal Corporation of Greater  
Mumbai & Ors

----Applicant(s)

----Respondent(s)



**Affidavit on behalf of Maharashtra Pollution Control Board in compliance of Order dated 26/11/2021 passed by the Hon'ble NGT.**

I, Jaywant S. Hajare, aged – Adult, the Regional Officer of the Maharashtra Pollution Control Board at Mumbai i.e. Respondent No.4 having my office address at Kalpataru Point, 1st Floor, Near Sion Circle, Sion-Matunga Scheme Road No.8, Sion (East), Mumbai-400 022, do hereby beg to state on solemn affirmation as under:

- 1) I am filing the present Affidavit in compliance of the Order dated 26/11/2021 passed by this Hon'ble Tribunal.
- 2) I say and submit that the instant Application is filed by the Applicant against the continuous rise of pollution levels in Powai lake due to unwanted effluents & sewage directly discharge into the lake and the actions of the Respondent Authorities in illegally carrying out reclamation of Powai Lake for the construction of a cycling and jogging track etc.
- 3) I say and submit that the Respondent -Board had received a complaint from the Applicant vide email dtd 22/9/2021 about the pollution being caused to Powai lake due to Ganpati immersion. In order to verify the complaint, the official of the Respondent Board alongwith the official

of the Respondent No.1-MCGM visited the site on 24/9/2021 and observed that at the time of visit there was no idol immersion in the Powai lake. The official of the Respondent No.1 informed that on 19/9/2021 and 20/9/2021 till midnight the Ganapati immersion was done in Powai lake. In this regard, the Respondent Board vide letter dated 5/10/2021 had informed MCGM to strictly follow the Central Pollution Control Board Guidelines regarding Idol Immersion issued from time to time and submit action taken report to the Respondent Board. Further, the Respondent Board has issued directions to MCGM vide letter dated 15/12/2021 to strictly follow the Guidelines for Idol Immersion dated 12/05/2020 issued by CPCB. A copy of the letter dated 5/10/2021 addressed to MCGM alongwith English Translation is annexed herewith and marked as an **Annexure-I**.

- 4) I say and submit that thereafter, the Respondent Board had received a complaint from Shri Omkar Supekar dated 07/08/2021 regarding construction activities in Powai lake. The Respondent Board had forwarded the said complaint to MCGM vide letter dated 28/10/2021, since the alleged construction activities did not comes under the purview of the Respondent Board. A copy of the letter dtd. 28/10/2021 addressed to MCGM alongwith English Translation is annexed herewith and marked as an **Annexure-II**.
- 5) I say and submit that Shri Omkar Supekar & Anr. have filed Public Interest Litigation (L) No.23928/2021 against Municipal Corporation of Greater Mumbai (MCGM) & Ors before the Hon'ble High Court of Judicature at Bombay in respect of commencing construction for cycling and jogging tracks around Powai lake, which is pending.
- 6) I say and submit that the Respondent Board has not granted any consent to the alleged construction activities. The site of the alleged

construction was visited by the official of the Respondent Board at Mumbai alongwith official of the Respondent No.1-MCGM on 27/10/2021 . At the time of visit, the official of the MCGM informed that it is project for natural walkway, bicycle and jogging track along the periphery of Powai lake and for rejuvenation and reinvigoration of the Powai lake. At the time of visit about 100 mtrs work of gabion (in which GI net and stone used) is completed and remaining work is in progress. During visit gabion work was not in operation. It was further informed that the work of gabion for bicycle and jogging track was started in July, 2021 and during the work, there was no tree cutting. A copy of the visit report dated 27/10/2021 alongwith typed copy of the said visit report is annexed herewith and marked as an **Annexure-III**.



- 7) I say and submit in the aforesaid matter, the Hon'ble High Court, Bombay vide order dtd 1/11/2021 directed that "*the activity being carried out at present of putting up the proposed cycling and jogging tracks shall not proceed*". Further, the Hon'ble High Court vide order dtd 16/11/2021 continued the interim order passed on 1/11/2021 to operate till January 31, 2022 or until further orders. The matter is pending before the Hon'ble High Court. Copies of the Hon'ble High Court orders dtd 1/11/2021 and 16/11/2021 are annexed herewith and marked as an **Annexure-IV and Annexure-V respectively**.
- 8) I say and submit that official of the Respondent Board at Mumbai alongwith the official of MCGM again visited to the Powai lake on 7/12/2021 and observed that the sewage from Perubagh nalla, Culverter No.6 & 7 and IIT open nalla is entering into Powai lake. MCGM official informed that the work of diverting the sewage line to main sewer line is in progress. Around periphery of Powai lake, the cycling and jogging track gabion work about 100 mtrs is completed at

compound of Renaissance Hotel, Powai lake. It is further informed that presently the work of gabion is stopped. Ganesh idol immersion in Powai lake at Ganesh Ghat and Pawarwadi done and they have also provided artificial pond for idol immersion in 'S' Ward area. A copy of the visit report dated 7/12/2021 alongwith the typed copy of the said visit report is annexed herewith and marked as an **Annexure-VI**.

- 9) I say and submit that the domestic effluent from the unsewered nearby area located around the periphery of Powai lake is entering into lake through two nallas. Also 18 gates are provided at SWD around the periphery of lake. Due to leakages at gate no.6 & 7 some meagre quantity of effluent is observed entering the lake .
- 10) In view of the above non-compliance, the Respondent-Board has issued directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1974 to MCGM vide letter dated 15/12/2021 and directed to take necessary precautionary measures to avoid ingress of treated/untreated sewage into Powai Lake & divert to nearby STP and strictly follow the guidelines for idol immersion dated 12/05/2020 issued by Central Pollution Control Board. A copy of the directions dated 15/12/2021 is annexed herewith and marked as **Annexure-VII**.
- 11) I say and submit that the officials of the Respondent Board at Mumbai have collected water samples of Powai Lake on 16/12/2021. The analysis results of said samples compared with the primary water quality criteria for bathing water, which shows that the parameters are almost within limit except marginal exceedance observed for BOD parameter (3.2 mg/l) at Ganeshgat location. A copy of the comparative statement of analysis results collected on 16/12/2021 is enclosed herewith and marked as **Annexure-VIII**.

12) I say and submit that the construction for cycling and jogging tracks , construction activities are not covered under the consent regime of Maharashtra Pollution Control Board.



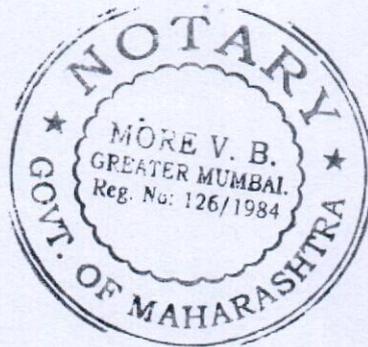
Solemnly affirmed on this 11<sup>th</sup> day of January, 2022 at Mumbai.

I know the Affiant,

For and on behalf of the Maharashtra Pollution Control Board,

ADVOCATE

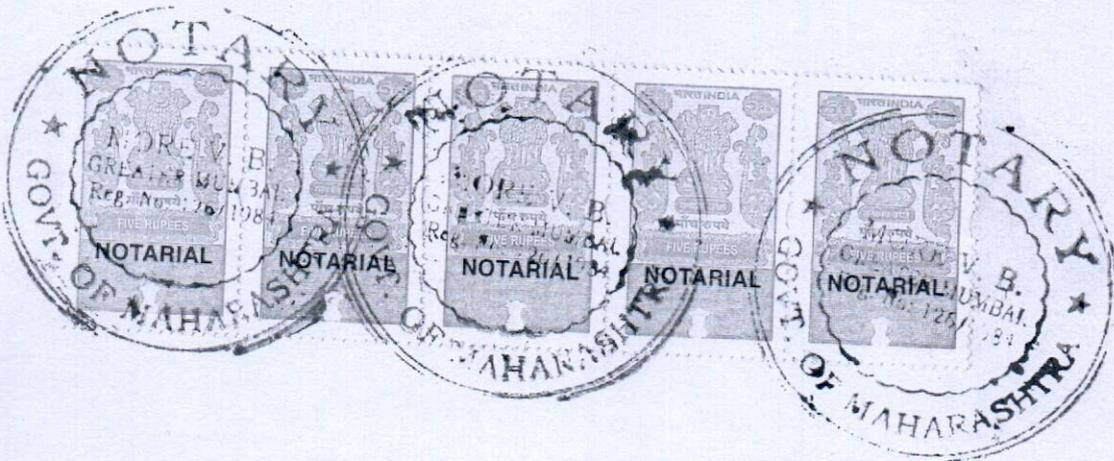
(Jaywant S. Hajare)  
Regional Officer, MPCB Mum



BEFORE ME

*Vasant B. More*  
11-1-2022  
Vasant B. More  
Notary Gr. Mumbai

REGISTER Sr. No. 07/2022



## महाराष्ट्र प्रदूषण नियंत्रण मंडळ

उप प्रादेशिक कार्यालय, मुंबई-३

दूरध्वनी क्र. २४०१५२६९/२४१६२३९

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Email : [romumbai@mpcb.gov.in](mailto:romumbai@mpcb.gov.in)



“आपली सेवा आमचे कर्तव्य”

कल्पतरु पॉईंट, १ रा मजला,  
शीव माटुंगा स्किम रोड क्र. ८  
शीव सर्कलसमोर, शीव (पूर्व)  
मुंबई - ४०० ०२२

VASANT B. WARE  
NOTARY CR. MUMBAI

जा.क्र. मप्रनि/प्राकामु/-२०२६

दिनांक ०५/१०/२०२१

प्रति,

सहायक आयुक्त,

मुंबई महानगरपालिका, एस वॉर्ड,

दुसरा मजला, एल. बी. एस. रोड,

मंगतराम पेट्रोलपंप जवळ, भांडुप (प), मुंबई-४०००७८.

विषय :- पवई तलावमध्ये पवई परीसरातील व बाहेरील गणपती मुर्ती टाकत असल्याबाबत तक्रार.

संदर्भ:- १. श्री. स्टॅलेन डी यांची तक्रार ई-मेल द्वारे दि. २२/०९/२०२१ रोजी प्राप्त.

२. केंद्र प्रदूषण नियंत्रण मंडळाची गणपती विरार्जनाबाबतची नियमावली दि. जुन २०१०

३. महाराष्ट्र प्रदूषण नियंत्रण मंडळाची गणपती विसर्जनाबाबतची नियमावली दि. एप्रिल २०१४

महोदय,

उपरोक्त संदर्भाकीत विषयास अनुसरून या कार्यालयास श्री. स्टॅलेन डी यांची पवई तलावमध्ये पवई परीसरातील व बाहेरील गणपती मुर्ती टाकत असल्याबाबत तक्रार अर्ज प्राप्त झाला असून, सदर तक्रारीच्या अनुषंगाने दि. २४/०९/२०२१ रोजी या कार्यालयाच्या अधिका-यांनी बृहन्मुंबई महानगरपालिकेच्या अधिक-यासोबत पहाणी केली. पहाणी दरम्यान गणपती मुर्ती पाण्यामध्ये टाकत असल्याचे आढळून आले नाही. परंतु महानगरपालिका अधिकारी यांनी असे सांगितले की, दि. १९/०९/२०२१ व २०/०९/२०२१ रोजी मध्यरात्री पर्यंत पवई तलावमध्ये पवई परीसरातील व बाहेरील गणपती मुर्तीचे पुर्नविसर्जन केल्याचे सांगण्यात आले. तरी याबाबतची माहिती या कार्यालयास तातडीने देण्यात यावी.

गणेशोत्सव काळात मुर्ती विसर्जना बाबत केंद्र सरकार तसेच राज्य प्रदूषण नियंत्रण मंडळ यांनी वेळोवेळी पारित केलेल्या नियमावलीचे पालन करणे बंधनकारक आहे. याबाबतीत केलेल्या कार्यवाहिचा अहवाल सादर करावा हि विनंती.

आपल्या माहितीसाठी.

सहाय्यक आयुक्त एस विभाग  
बृहन्मुंबई महानगर पालिका

05 OCT 2021

०२०५३०  
वेळ-८. ९. १०. ११. १२. १३.

१४. १५. १६. १७. १८.

सोबत:- तक्रार अर्ज.

प्रत माहितीस्तव सादर:-

आपला विश्वासु

५/१०/२०२१  
उप प्रादेशिक अधिकारी, मुंबई-३

१. प्रादेशिक अधिकारी, म. प्र. नि. मंडळ, मुंबई.

२. श्री. स्टॅलीन डी (stalin.vanashakti@gmail.com)

complaint  
Bik



**MAHARASHTRA POLLUTION CONTROL BOARD  
SUB-REGIONAL OFFICE, MUMBAI-3**

Phone: 24015269/2416239  
Visit us at : <http://mpcb.gov.in>  
Email : [sromumbai3@mpcb.gov.in](mailto:sromumbai3@mpcb.gov.in)



Kalpataru Point, 1<sup>st</sup> Floor,  
Sion-Matunga Scheme Rd.No.8,  
Opp.Sion Circle, Sion (East),  
Mumbai-400 022.

**“Your service is our duty”**

No.MPCB/ROM/2026

Date : 05/10/2021

To  
The Assistant Commissioner,  
'S' Ward Office,  
2nd Floor, L.B.S. Road,  
Near Mangatram Petrol Pump,  
Bhandup (West), Mumbai-400 078.

Sub : Immersion of Ganesh Idol in Powai Lake from Powai and outside area.

Ref : 1. Complaint of Shri Stalin D. received through e.mail on 22/09/2021.  
2. Guidelines issued by Central Pollution Control Board dated June, 2010.  
3. Guidelines issued by Maharashtra Pollution Control Board dated April, 2014.

\*\*\*\*\*

Sir,

With reference to the above subject, this office has received complaint application of Shri Stalin D. regarding Immersion of Ganesh Idol in Powai Lake from Powai and outside area. On the basis of the said complaint, the officials of this office alongwith officials of MCGM have visited the site on 24/09/2021. During visit, no immersion of Ganesh Idol was observed, however, officials of MCGM informed that on 19/09/2021 and 20/09/2021 the immersion of Ganesh Idols was taken place in Powai Lake from Powai and outside area till midnight. In this regard, send the information to this office immediately.

During Ganesh Festival, it is obligatory to strictly follow the Guidelines of idol immersion issued by Central Pollution Control Board and Maharashtra Pollution Control Board. In this regard, please submit Action Taken Report.

This is for your information.

Yours faithfully,  
Sd/-

Encl: Complaint Application  
Copy for information to:

Sub-Regional Officer, Mumbai-3

1. Regional Officer, MPCB, Mumbai.
2. Shri Stalin D. ([stalin.vanshakti@gmail.com](mailto:stalin.vanshakti@gmail.com))

महाराष्ट्र प्रदूषण नियंत्रण मंडळ  
 उप प्रादेशिक कार्यालय, मुंबई-३

दूरध्वनी क्र. २४०१५२६९/२४१६२३९  
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 Email : sromumbai3@mpcb.gov.in



“आपली सेवा आमचे कर्तव्य”

कल्पतरु पॉइंट, १ रा मजला,  
 शीव माटुंगा स्किम रोड क्र. ८  
 शीव सर्कलसमोर, शीव (पूर्व)  
 मुंबई - ४०० ०२२

जा.क्र. मप्रनि/प्राकामु/- ३०८५

दिनांक २८/१०/२०२१

प्रति,  
 सहाय्यक आयुक्त,  
 एस विभाग कार्यालय,  
 दुसरा मजला, एल. बी. एस. रोड,  
 मंगतराम पेट्रोलपंप जवळ, भांडुप (प), मुंबई-४०००७८.

विषय :- श्री. ओमकार महादेव सुपेकर यांचे (पवई तलावाच्या पाण्याच्या आत बांधकाम चालु असल्याबाबत) मार्फत प्राप्त तक्रार अर्ज दि. ०७.०८.२०२१.  
 संदर्भ:- श्री. ओमकार महादेव सुपेकर यांची तक्रार पोर्टल द्वारे या कार्यालयास प्राप्त. तक्रार क्र. MPCB-COMPLAINT-00006342.

महोदय,

उपरोक्त संदर्भाकित तक्रार अर्ज या कार्यालयास प्राप्त झालेला आहे. तक्रारीत नमुद विषय महानगरपालिकेशी संबंधित असल्याने सदर तक्रार पुढील कार्यवाहिकरीता आपले कार्यालयात वर्ग करण्यात येत आहे. सदर तक्रारीबाबत आपले स्तरावर केलेल्या कार्यवाहीचा अहवाल परस्पर तक्रारदारास कळवावा, हि विनंती.

आपला,

उप प्रादेशिक अधिकारी, मुंबई-३

सोबत:- तक्रार अर्ज.

प्रत माहितीसाठी सादर:-

प्रादेशिक अधिकारी, म. प्र. नि. मंडळ, मुंबई

प्रत :- ओमकार महादेव सुपेकर, omkarmahadeo@iitb.ac.in

- सदर तक्रारीबाबत पुढील पाठपुरावा सहाय्यक आयुक्त, सहाय्यक आयुक्त, एस विभाग कार्यालय, दुसरा मजला, एल. बी. एस. रोड, मंगतराम पेट्रोलपंप जवळ, भांडुप (प), मुंबई-४०००७८. यांच्याकडे करण्यात यावा.

**MAHARASHTRA POLLUTION CONTROL BOARD  
SUB-REGIONAL OFFICE, MUMBAI-3**

Phone: 24015269/2416239

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Email : [sromumbai3@mpcb.gov.in](mailto:sromumbai3@mpcb.gov.in)



Kalpataru Point, 1<sup>st</sup> Floor,  
Sion-Matunga Scheme Rd.No.8,  
Opp.Sion Circle, Sion (East),  
Mumbai-400 022.

**“Your service is our duty”**

No.MPCB/ROM/3085

Date : 28/10/2021

To  
The Assistant Commissioner,  
'S' Ward Office,  
2nd Floor, L.B.S. Road,  
Near Mangatram Petrol Pump,  
Bhandup (West), Mumbai-400 078.

Sub : Complaint Application dated 07/08/2021 received from Shri Omkar Mahadeo Supekar (Regd. construction in Powai Lake Water)

Ref : Complaint No.MPCB-COMPLAINT-AINT-00006342 of Shri Omkar Mahadeo Supekar received to this office through MPCB Portal

Sir,

This office has received above referred Complaint Application. The subject matter is related to the Municipal Corporation, hence, the said Complaint is hereby forwarded to your office for further necessary action. You are requested to send your Action Taken Report directly to the Complainant.

Yours

Sd/-

Encl: Complaint Application

Sub-Regional Officer, Mumbai-3

Copy submitted to: Regional Officer, MPCB, Mumbai.

Copy to: Omkar Mahadeo Supekar, [omkarmahadeo@iitb.ac.in](mailto:omkarmahadeo@iitb.ac.in) – Take Follow up of the said complaint with the Asstt. Commissioner, 'S' Ward Office, 2nd Floor, L.B.S. Road, Near Mangatram Petrol Pump, Bhandup (West), Mumbai-400 078.

Annexure - III

27/10/22  
 VASANT B. MORE  
 NOTARY GR MUMBAI

## MAHARASHTRA POLLUTION CONTROL BOARD

Phone No. 24015269 / 24016239  
 Visit us at : <http://mpcb.gov.in>  
 Email : sromumbai3@mpcb.gov.in



Kalptaru Point 1<sup>st</sup> floor,  
 Sion Matunga Scheme Road No. 8, Infant  
 of Sion Cereal, Sion (E),  
 Mumbai - 400 022.

"Your Service is our Duty"

### Visit Report

Name of Industry:- M/s.  
 (Address)

Date: 27/10/2021

PAN No.

Date Of Visit

Visited By

Contact Person

Consent validity

- Visited the Powai lake near compound wall of Mrs. Rainnaisance Hotel where the bicycle, jogging track work site as per the complaint received from Shri Omkar Mahadeo Supekar, IIT, Bombay.
- The MCGM authority has reported that it is project for natural walkway, bicycle and jogging track along the periphery of Powailake. for rejuvenation and reinvigoration of the Powai lake.
- They have reported the total periphery of the Powai lake is about 10.2 km.
- At present about 100 mtr work of gabion (in which 52 net of stone used) is completed & remaining work is in progress, there will not any use of RCC etc. reported by the representative.
- They have also reported that it a project for creating a community public space for mountbiker. to enjoy the natural beauty of Powai lake.

PTD

- During visit gabion work was not in operation.
- They have reported obtained permission from MHCC (Mumbai Heritage Conservation Committee) of MCGM has formed an expert committee consisting of Environmental expert & wild life experts.
- The work of gabion for bicycle, walking, jogging track started in July, 2021. reported by the representative. and also reported that not cut any trees during the work.
- They are instructed to submit the report in this regard.

<sup>27/10/21</sup>  
 (Kameshwar F. K.)  
 Ex. Engineer WW(C)  
 ES, MCGM.

<sup>27/10/21</sup>  
 (Madhukar J. Jangale)  
 F.O.



MAHARASHTRA POLLUTION CONTROL BOARD

SUB-REGIONAL OFFICE- MUMBAI-3

VISIT REPORT

Date – 27.10.2021

Visited the Powai lake near compound wall of M/s. Renaissance Hotel where the bicycle, jogging track work site as per the complaint received from Shri Omkar Mahadeo Supekar, IIT Bombay.

The MCGM authority has reported that it is project for natural walkway, bicycle and jogging track along the periphery of Powai lake and for rejuvenation and reinvigoration of the Powai lake.

They have reported the total periphery of the Powai lake is about 10.2 Km.

At present about 100 mtr work of gabion (in which GI net and stone used) is completed and remaining work is in progress. There will not any use of RCC etc. reported by the representative.

They have also reported that it a project for creating a community public space for Mumbaikar to enjoy the natural beauty of Powai lake.

During visit gabion work was not in operation.

They have reported obtained permission from MHCC (Mumbai Heritage Conservation Committee) and MCGM has formed an expert committee comprising of Environment expert and Wildlife experts.

The work of gabion for bicycle, walking, jogging track started in July, 2021 reported by the representative and also reported that not cut any trees during the work.

They are instructed to submit the report in this regard.

Sd-  
(Kshirsagar F. K.)  
Ex. Engineer, WW(C)  
ES, MCGM

Sd-  
(Madhukar Igave)  
Field Officer

Annexure - IV

7.1.22  
 VASANT B. MORE  
 NOTARY GR MUMBAI

30 pill 23928 of 2021 - Final.doc

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**PUBLIC INTEREST LITIGATION (L) NO.23928 OF 2021**

Omkar Mahadeo Supekar and Anr. ... Petitioners

Versus

Municipal Corporation of Gr. Mumbai and Ors. ... Respondents

Mr. Rajmani Varma with Mr. Aditya Marwal, for Petitioners.  
 Mr. Aspi Chinoy, Senior Advocate with Mrs. Oorja Dhond, for MCGM.  
 Mrs. Jyoti Chavan, AGP, for State.  
 Mr. D.P.Singh, for Union of India.

**CORAM: S.J. KATHAWALLA &  
 SURENDRA P. TAVADE, JJ.**

**DATE: 1<sup>st</sup> NOVEMBER, 2021  
 ( VACATION COURT)**

**P.C.:**

1. By the above Public Interest Litigation, the Petitioners have impugned the action of the Respondents of commencing construction for cycling and jogging tracks around Powai Lake.

2. The Learned Advocate appearing for the Petitioners has submitted that Powai Lake is located in Powai having water spread area of 210 hectares as per the Central Institute of Fisheries Education and having a catchment area of 6.61 sq. kms. It is submitted that in the year 2011 as part of the project on National Wetland Inventory Assessment ('NWIA'), National Wetlands Atlas was prepared by Space Applications Center, Indian Space Research Organization, and the same was

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sponsored by the Ministry of Environment and Forest, Government of India. It is submitted that Powai Lake was thus notified as a wetland in the map of National Wetland Atlas. The Learned Advocate appearing for the Petitioners has further submitted that the Government of Maharashtra through its Urban Development Department ('UDD') in consultation with the Director, Town Planning Department, under the provisions of the Maharashtra Regional & Town Planning Act, 1966, notified DC Regulations for Greater Mumbai, 2034 ('DCR'). Part VII of DCR provides for Land Use Classification and Uses Permitted. Under Part VII of Sub Regulation 3.3 of Regulation 34, a specific regulation for Powai and Vihar Lake has been made which reads as follows :

**“(VII) Periphery of Vihar and Powai Lake :**

In order to prevent erosion of soil and silting in lakes, an exclusive green belt of 100 m shall be provided around the periphery of Vihar and Powai Lake, in which no construction whatsoever shall be allowed. If within 100 m from the periphery of Vihar and Powai Lake there exists Municipal / Public Road, then buffer of green belt beyond Municipal / Public Road may not be insisted.”

It is submitted that the said work of putting up the proposed cycling and jogging tracks is interalia in violation of the above Clause. It is submitted that the Petitioner No. 1 has filed an RTI Application seeking all the necessary information / documents from the concerned authorities. However, he has not received any response to the same. It

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is submitted that if the Respondents are allowed to continue with the aforesaid construction activities, the same will cause immense environmental damage. It is submitted that Article 51A (g) of the Constitution of India provides that, “*It shall be duty of every citizen of India - to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.*” It is submitted that in Article - 21 of the Constitution of India, the word “*life*” includes right to enjoy a good environment.

3. The Learned Advocate appearing for the State informs the Court that he has no instructions in the matter and that instructions will have to be obtained from the concerned officers.

4. The Learned Senior Advocate appearing for Municipal Corporation of Greater Mumbai (‘MCGM’) refutes the allegations made by the Learned Advocate appearing for the Petitioners. However, the MCGM is unable to explain as to why an Affidavit in Reply is not filed in the matter despite the above Public Interest Litigation having been served on the MCGM as far back as on 22<sup>nd</sup> October, 2021 and despite the matter having appeared before the Regular Court on 28<sup>th</sup> and 29<sup>th</sup> October, 2021.

5. The matter being serious and involving public interest, we pass the following Order :

(i) The Respondents shall file their respective Affidavits in Reply within a period of one week from today.

- (ii) The Affidavit in Rejoinder, if any, be filed by the Petitioners within a period of three days thereafter.
- (iii) Stand over to 16<sup>th</sup> November, 2021, first on board, before the regular Court.
- (iv) In the meantime, the activity being carried out at present of putting up the proposed cycling and jogging tracks, shall not proceed.

( SURENDRA P. TAVADE, J. )

( S.J.KATHAWALLA, J. )

Annexure - V

7/1/22  
 VASANT B. MORE  
 NOTARY GR MUMBAI

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
 ORDINARY ORIGINAL CIVIL JURISDICTION  
 PUBLIC INTEREST LITIGATION (L) NO.23928 OF 2021**

Omkar Mahadeo Supekar and anr. .. Petitioners  
 Vs.

Municipal Corporation of Greater Mumbai  
 and ors. .. Respondents

-----  
 Mr. Pradeep Rajagopal a/w Mr. Aditya Marwal, Ms. Unnati Bane and Ms. Drishti Shah i/b. Mr. Rajmani Varma for petitioners.

Mr. Joel Carlos a/w Ms. K.H. Mastakar for respondent No.1-MCGM.

Mr. Anish Khandekar for respondent No.2.

Mr. Abhay Patki, Additional Government Pleader for State-respondent Nos.3, 4, 6, 7, 8, 9, and 12.

Mr. Irfan A. Shaikh i/b. Mr. Sachindra B. Shetye for respondent No.5.

Mr. Aditya Thakkar a/w Mr. D.P. Singh for respondent No.11-UOI.

-----  
**CORAM: DIPANKAR DATTA, CJ &  
 M. S. KARNIK, J.**

**DATE: NOVEMBER 16, 2021**

**P.C. :**

1. Prayers have been made on behalf of the State, Municipal Corporation of Greater Mumbai and Union of India for extension of time to file reply affidavit. Granting such prayers, we direct that reply affidavits may be filed by

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November 30, 2021; rejoinder thereto, if any, may be filed by December 8, 2021.

2. This PIL petition shall be listed on **December 13, 2021.**

3. The interim order passed on November 1, 2021 shall continue to operate till January 31, 2022 or until further orders, whichever is earlier.

**(M.S. KARNIK, J.)**

**(CHIEF JUSTICE)**

Digitally  
signed by  
PRADNYA  
MAKARAND  
BHOGALE  
Date:  
2021.11.16  
19:39:53  
+0530

Annexure - VI

07/12/21  
 VASANT B. MORE  
 NOTARY GEN. MUMBAI

# MAHARASHTRA POLLUTION CONTROL BOARD

Phone No. 24015269 / 24016239  
 Visit us at : <http://mpcb.gov.in>  
 E-mail : [sromumbai3@mpcb.gov.in](mailto:sromumbai3@mpcb.gov.in)



Kalptaru Point 1<sup>st</sup> floor,  
 Sion Mungga School Road No. 5, Sion  
 or Sion Cercal, Sion (E),  
 Mumbai - 400 022.

"Your Service is our Duty"

## Visit Report

Date: 07/12/2021

Name of Industry:- M/s.  
 (Address)

Date Of Visit  
 Visited By  
 Contact Person

Consent validity

- Visited the Powai Lake as per the mail received from legal dept. regarding O.A. No. 68/2021 filed by Vanshchoti & Anr. V/s. MCGM & Ors.
- During visit noticed that the sewage from Perubagh malla, culvert no. 647 and IIT open malla entering into Powai Lake. MCGM authority has reported that the work of diverting the sewage line to main sewerline is in progress.
- Powai Lake <sup>periphery work</sup> ~~modernization~~ for cycling and jogging track. gabion work about 100 mtr is completed at compound of Renaissance Hotel, Powai Lake, they have reported the work of gabion presently stopped.
- Ganesh idol immersion in powai lake at Ganesh Ghat and Pawanwadi done & also provided artificial pond for idol immersion in 'S' word area. reported by the MCGM authority.
- They are instructed to submit report in this regard.

07/12/21

07/12/21  
 Ar. Div.

(Madhukar Jangre)  
 Co

**MAHARASHTRA POLLUTION CONTROL BOARD****SUB-REGIONAL OFFICE- MUMBAI-3****VISIT REPORT****Date – 07.12.2021**

Visited the Powai Lake as per the mail received from legal dept. regarding O.A. N. 68/2021 filed by Vanshakti & Ars. V/s MCGM & Ors.

During visit noticed that the sewage from Perubagh nalla, culverter no. 6 & 7 and IIT open nalla entering into Powai lake. MCGM authority as reported that the work of diverting the sewage line to main sewer line is in progress.

Powai lake periphery work for cycling and jogging track gabion work about 100 mtr. Is completed at compound of Renaissance Hotel, Powai Lake. They have reported the work of gabion presently stopped.

Ganesh idol immersion in Powai lake at Ganesh ghat and Pawarwadi done & also provided artificial pond for idol immersion in 'S' Ward area reported by MCGM authority.

They are instructed to submit report in this regards.

Sd-  
SE, WW(C)  
ES, MCGM

Sd-  
SE (C) AE  
MCGM

Sd-  
(Madhukar Igave)  
Field Officer

Annexure - VI

29/12/21  
 VASANT B. MORE  
 NOTARY GR MUMBAI

# MAHARASHTRA POLLUTION CONTROL BOARD

Regional Office, Mumbai

Phone : (022) - 24016239

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Email : [romumbai@mpcb.gov.in](mailto:romumbai@mpcb.gov.in)

Visit At : <http://mpcb.gov.in>



Regional Office, Mumbai,  
 Kalpataru Point, 1<sup>st</sup> Floor, Sion Circle,  
 Sion (E), Mumbai- 400 022

No: MPCB/ROM/Direction/TB - 211215000

Date: 15/12/2021

To,  
 M/s Assitant Muncipal Commisioner  
 S' ward Municipal Office Bld, 2Nd Floor, L.B.S Road,  
 Near Mangatram Petrol Pump, Bhandup West,  
 Mumbai, Maharashtra 400078..

**Sub:** Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 31A of the Air (Prevention & Control of Pollution) Act, 1981

- Ref:** 1. Complaint from Shri. Manoj Mhatre, Govendi, Mumbai dated 20/09/2021.  
 2. Complaint received from Mr. Stalin D, Director Vanashakti dated 22/09/2021 regarding immersion of Ganesh idol into Powai Lake.  
 3. Complaint received through CPCB, RD Pune of Mr. Stalin D, Director Vanashakti dated 16/11/2021.  
 4. Hon'ble NGT matter O.A. No. 68/2021 filed by Vanashakti and others V/s. MCGM and others with respect to pollution cause in Powai Lake.  
 5. Visit of Board officials along with MCGM official on 07/12/2021.

**AND WHEREAS,** this office was in receipt of above referred complaints at sr. No. 1 & 2 regarding contamination of lake water due to discharge of sewage effluent and immersion of Ganesh idols into the Powai Lake water.

**AND WHEREAS,** Board officials along with MCGM official had jointly visited to Powai Lake on 07/12/2021 and reported that there are total 18 water gate culverts along the boundary of Powai Lake for releasing the storm water through storm water drain into the lake.

**AND WHEREAS,** During the visit dated 07.12.2021, it is also observed that due to leakages from culvert No. 6 & 7 sewage through storm water drain found being discharged into Powai Lake water. Also, two nallas carrying domestic effluent from surrounding unsewered habitation area found discharging into the lake water.

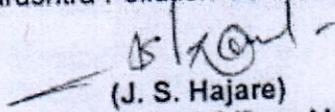


NOW THEREFORE, in exercise of the power confirmed by the Board upon me u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 following direction are issued –

1. MCGM shall take necessary precautionary measures to avoid ingress of treated/untreated sewage into Powai lake & same shall be diverted to nearby STP.
2. MCGM shall strictly follow the guidelines for idol immersion dated 12/05/2020 issued by Central Pollution Control Board for abatement of pollution of Powai lake water.

You are hereby directed to submit time bound program for complying above directions within seven days from the receipt of these directions, failure to this, it will be presumed that you have no say, and further necessary directions as deemed fit will be issued, which may please be noted.

For and on behalf of  
Maharashtra Pollution Control Board.

  
(J. S. Hajare)

I/c Regional Officer, Mumbai

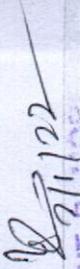
**Copy submitted to:-**

1. Asst. Secretary (Tech.), MPC Board, Sion, Mumbai – for information.

**Copy to:**

- 1) Sub Regional Officer, MPC Board, Mumbai -III  
- He is directed to serve copy of direction to industry, take necessary follow-up towards compliance of the direction and submit report.
- 2) Master File.

Annexure - VIII


 VASANT B. MORE  
 NOTARY GENERAL, MUMBAI

## Powai Lake Water Quality

Sr. No.	Parameter	Primary Water Quality Criteria for Bathing Water	Powai Lake near Ganeshghat	Powai Lake near erubagh Nala
1	Fecal Coliform MPN/100 ml	500 (desirable) 2500 (Maximum Permissible)	790	790
2	Fecal Streptococci MPN/100 ml	100 (Desirable) 500 (Maximum Permissible)	23	23
3	pH	Between 6.5-8.5	7.2	6.9
4	Dissolved Oxygen	5 mg/l or more	7	7
5	Biochemical Oxygen demand 3 day, 27 C	3 mg/l or less	3.2	3

