

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, PUNE
Original Application No.65/2018(WZ)**

Lalit Kumar Chaudhari ... Applicant
v/s

State of Maharashtra & Ors. ... Respondents

**Affidavit on behalf of Maharashtra Pollution Control Board in
compliance Hon'ble NGT Order dated 22/09/2021**

I, Upendra Kulkarni, Aged 49 Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Jalgaon-I, having my office address at Old B. J. Market, 3rd Floor, Hall No. A, Jalgaon-425 001, do hereby state on solemn affirmation, as under:-

1. I am filing the present Affidavit in compliance of the Order dated 22/09/2021 passed by this Hon'ble Tribunal.
2. I say and submit that in the aforesaid matter, this Hon'ble NGT vide order dated 24/07/2020 constituted a Committee consisting of Collector, Jalgaon and State Pollution Control Board and directed to visit the place and submit the Action Taken Report. Accordingly, the Committee has submitted its Report before this Hon'ble Tribunal. The Joint Committee reported that the Faizpur Municipal Council has not provided Sewage Treatment Plant, the total sewage generation is 3.5 MLD and untreated sewage is discharged into Dhadi River through three nallas and as per the Joint Committee Report, municipal solid waste dumped in 2017 near Hath Bazar Crematorium site is lifted and transferred at present MSW Processing Site and MSW dumped at river bed is lifted from river bed and shifted to MSW Treatment site.
3. I say and submit that the Respondent Board has issued a letter dated 07/12/2020 to the Faizpur Municipal Council and directed to pay final compensation from 01/04/2020 till compliance, as per the directions of the Hon'ble Tribunal dated 02/07/2020 in Original Application No.606/2018 -In the matter of compliance of Solid Waste Management Rules, 2016. A copy of the letter dated 07/12/2020 is enclosed herewith and marked as an **Annexure-'I'**.

Upendra Kulkarni
BEFORE ME
U.Kulkarni
N.D. KULKARNI
Notary Govt. of India
Reg.No.11168

16 NOV 2021

4. I further say and submit that the Respondent Board vide letter dated 11/12/2020 requested the Faizpur Municipal Council to deposit the final compensation amount as mentioned in earlier letter dated 07/12/2020. A copy of the letter dated 11/12/2020 is enclosed herewith and marked as an **Annexure-‘II’**.
5. I say and submit that in the meantime, the Respondent Board has granted Authorisation to Faizpur Municipal Council under the provisions of the Solid Waste Management Rules, 2016 vide letter dated 25/06/2021 for setting up and operate Waste Processing / Recycling / Treatment / Disposal facility at Kalmoda Road, Faizpur, Tal: Yawal, Dist: Jalgaon, subject to certain terms and conditions, which is valid upto 31/12/2022. A copy of the Authorisation dated 25/06/2021 is enclosed herewith and marked as an **Annexure-‘III’**.
6. I say and submit that the Respondent Board has issued directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 to the Faizpur Municipal Council vide letter dated 26/10/2021 for not obtaining consent from the Respondent Board, discharging entire domestic effluent into local nalla/river without any treatment, not providing STP for the treatment of domestic waste generating within Municipal Council area and non-submission of time bound action plan for 100% treatment of sewage as well as non-submission of Action Plan for utilization of treated sewage. A copy of the directions dated 26/10/2021 is enclosed herewith and marked as an **Annexure-‘IV’**.
7. I further say and submit that in view of the non-compliances, the Maharashtra Pollution Control Board has filed a Criminal Case bearing No.322/2021 against the Faizpur Municipal Council and the responsible officers the Council before the Hon’ble Judicial Magistrate First Class at Yawal under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, Section 15 of the Environment (Protection) Act, 1986 read with the provisions of the Solid Waste Management Rules, 2016, on 12/12/2021 and the same is pending.

Signature
16/11/2021
BEFORE ME
N.D. Kulkarni
N. D. KULKARNI
Notary Govt. of India
Reg.No.11168

16 NOV 2021

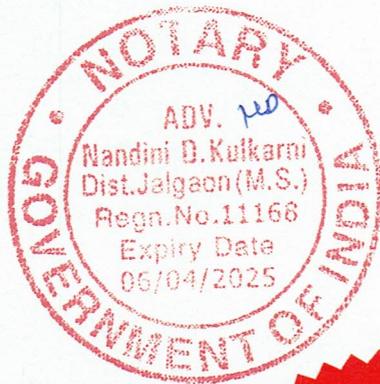
8. I say and submit that the Maharashtra Pollution Control Board has issued directions vide letter dated 08/11/2021 to the Faizpur Municipal Council, for deposition of Environment Compensation of Rs.390 Lakhs for 3 major drains carrying sewage from the jurisdiction of Faizpur Municipal Council and non-commencement of STP upto 31/03/2020. A copy of the directions dated 08/11/2021 is enclosed herewith and marked as an **Annexure-‘V’**.

9. The Respondent Board has always been followed and complied with the directions issued by this Hon’ble Tribunal in its true letter and spirit. The Respondent Board have always held this Hon’ble Tribunal at highest regard and respect the orders and directions passed by this Hon’ble Tribunal from time to time.

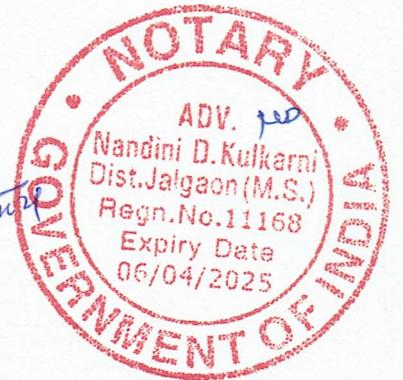
Solemnly affirmed on this 16th day of November, 2021 at Jalgaon

For & on Behalf of Maharashtra pollution Control Board

[Signature]
 (Upendra Kulkarni)
 Sub-Regional officer-Jalgaon-I



16 NOV 2021



AFFIDAVIT

Solemnly affirmed and signed before me by Shri Upendra Kulkarni of Jalgaon who is identified by Shri Adv. Nandini Deepak Kulkarni whom I know Personally.

[Signature]

BEFORE ME
[Signature]
N. D. KULKARNI
 Notary Govt. of India
 Reg. No. 11168



Mrs. Nandini D. Kulkarni
 ADVOCATE & NOTARY
 Notary R.No.11168, Govt. of India
 Dist. Jalgaon - 425002. (M.S.)

NOTED AND REGISTERED
 Sr.No. 666/2021
 Date 16/11/2021

Annexure-I

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
 Fax: 24023516/24024068/24044531
 Website: www.mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor
 Opp. Cine Planet Cinema,
 Near Sion Circle, Sion (E)
 Mumbai-400 022.

Date : 07/12/2020

NO.MPCB/RO(HQ)/B-636

To
 The Chief Officer,
 Faizpur Municipal Council,
 Dist-Jalgaon

Sub: Assessment of Environment Compensation as per directions of Hon'ble National Green Tribunal dated 02/07/2020 in Original Application No.606/2018—In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

Ref:1.Orders dated 24/01/2020 & 2/7/2020 passed by Hon'ble NGT in Original Application No.606/2018.

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The Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed orders dated 24/01/2020 & 2/7/2020 in Original Application No.606/2018— In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

In terms of order dated 24/01/2020 in O.A. No.606/2018, Order dated 28/08/2019 in O.A. 593/2017 and Order dated 06/12/2019 in O.A. No.673/2018, the Hon'ble NGT has directed to all the Local Bodies and or the concerned Department of the State Government have to ensure 100% collection, segregation, treatment and disposal of solid waste including legacy waste & liquid waste and in default to pay compensation which is to be recovered by the State with effect from 01/04/2020.

The Hon'ble NGT vide order dated 02/07/2020 in Original Application bearing No.606/2018 directed as follows:

- (i) In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, interim compensation scale is hereby laid down for continued failure after 31.03.2020.
- (ii) Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance.
- (iii) Continued failure of every Local Body on the subject of commencing the work of legacy waste sites remediation from 01/04/2020 till the compliance will result in liability to pay compensation @ Rs.10 Lakhs per month per local body for

: 2 :

population above 10 lakhs, Rs.5 Lakhs per month per local body for population between 5 lakhs to 10 lakhs and Rs.1 Lakh per month per other local body.

- (iv) If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

The officials of the Board at Regional Office Nashik reported the following non-compliances as on 1/4/2020

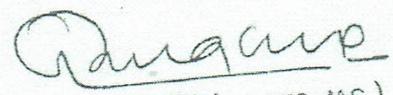
1. Your Local Body is generating solid waste to the tune of 4.5 MT/day, out of that 3.6 MT/day is treated and 0.9 MT/day of the solid waste is being dumped without treatment.
2. Your Local Body has not developed or established sanitary landfill for disposal of inert material.
3. Your Local Body has failed to commence the work of legacy waste sites remediation.

It has been observed that you have failed to comply with the timeframe for the implementation of the Solid Waste Management Rules, 2016 and timelines given by the Hon'ble NGT in various orders.

In view of the non-compliances and as directed by the Hon'ble NGT, you are hereby directed to pay final compensation from 01.04.2020 till compliance as follows:

1. Final Environmental Compensation of Rs. 08 Lakh towards the non-compliance of Solid Waste Management Rules, 2016 untreated Solid waste to the tune of 0.9 MT/day from 1/4/2020 to 30/11/2020.
2. Final Environmental Compensation of Rs. 08 Lakh from 1/4/2020 to 30/11/2020 towards not commencing of the work of legacy waste sites remediation.
3. You shall pay of Rs.02 Lakh per month for the non-compliance of solid waste management & Legacy waste management from December, 2020 onwards till the compliance.

You are requested to deposit aforesaid amount towards the environment compensation with the Central Pollution Control Board for restoration of environment within one month from the receipt of this letter.


(Ashok Shingare, IAS)
Member Secretary

: 3 :

Copy submitted to:

1. The Chairman, Maharashtra Pollution Control Board, Mumbai – for favour of information.
2. The Principal Secretary, Environment Department, Govt. of Maharashtra, Mantralaya, Mumbai-32- for favour of information.
3. The Principal Secretary, Urban Development Deptt.-II, Govt. of Maharashtra, Mantralaya, Mumbai-32- if the aforesaid local Body fails to pay the compensation within the stipulated time then it is requested to recover the same from the grant sanctioned to the said Local Body and deposit the same to MPC Board.

Copy to:

1. Regional Officer (HQ)/Law Officer, MPCB, Mumbai – for information.
2. Regional Officer, MPCB, Nashik/Sub-Regional Officer, MPCB, Jalgaon, for information and necessary action.- They are directed to take follow up with the concerned corporation & councils

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
 Fax: 24023516/24024068/24044531
 Website: www.mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor
 Opp. Cine Planet Cinema,
 Near Sion Circle, Sion (E)
 Mumbai- 400 022.

NO. MPCB/RO(HQ)/B-799

Date : 11.12.2020

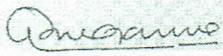
To,
 The Chief Officer
 Faizpur Municipal Council
 Dist-Jalgaon

Sub : Assessment of Environment Compensation as per directions of Hon'ble National Green Tribunal dated 02/07/2020 in Original Application No. 606/2018-In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues.

Ref : MPCB's letter dtd. 07/12/2020

.....
 We refer to the MPCB's letter dated 07/12/2020 regarding Assessment of Environment Compensation as per directions of Hon'ble National Green Tribunal dated 02/07/2020 in Original Application No.606/2018- In the matter of Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental issues, wherein, you were requested to deposit Final Environment Compensation Amount to the Central Pollution Control Board for restoration of environment within one month from the receipt of this letter.

You are requested to deposit the Final Environment Compensation Amount as mentioned in earlier letter dated 7/12/2020, to the concerned Regional Officer of the Maharashtra Pollution Control Board.


 (Ashok Shingare, IAS)
 Member Secretary

Copy submitted to:

1. The Chairman, Maharashtra Pollution Control Board, Mumbai – for favour of information.
2. The Principal Secretary, Environment Department, Govt. of Maharashtra, Mantralaya, Mumbai-32- for favour of information.
3. The Principal Secretary, Urban Development Deptt.-II, Govt. of Maharashtra, Mantralaya, Mumbai-32.
4. Regional Officer (HQ)/Law Officer, MPCB, Mumbai – for information.
5. Regional Officer, MPCB, Nashik /Sub Regional Officer, MPCB, Jalgaon, - for information and necessary action.- They are directed to take follow up with the concerned corporation & councils and submit the monthly report about the compliance of this letter.

Annexure-III

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 0257-2221288
 Fax : 0257-2221288
 Email : srojalgao1@mpcb.gov.in
 Visit At : <http://mpcb.gov.in>



Sub-Regional Office,
 Old B. J. Market, 3rd Floor, Hall No. A,
 Jalgaon-425001.

UAN No. MPCB-MSW_AUTH-0000000588

No: SRO-JALGAON/MSW_AUTH/2106000009

Date: 25/06/2021

FORM -II
 [Rule 16 (1)(e)]

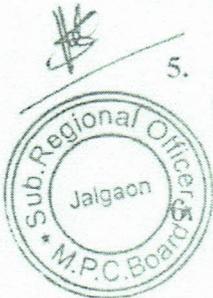
To,
 The Chief Officer,
 Faizpur Municipal Council,
 Tal. Yawal, Dist. Jalgaon.

Sub: Application for grant of MSW Authorization under the Solid Waste Management Rules, 2016.

Ref: Online application for grant of authorization UAN No. MPCB-MSW_AUTH-0000000588.

The Maharashtra Pollution Control Board after examining the proposal hereby authorizes **The Chief Officer**, having administrative office at Office of **Municipal Council, Faizpur, Tal. Yawal, Dist. Jalgaon** to set up and operate waste processing/recycling/ treatment/disposal facility at **Kalmoda Road of Faizpur, Tal. Yawal, Dist. Jalgaon** on the terms and conditions (including the standards to be complied with) attached to this authorization in Annexure I.

1. The authorization is hereby granted to operate the facility for processing, recycling, treatment and disposal of solid waste
2. The validity of the authorization is till 31/12/2022 subject to obtain NOC from Joint Committee, & NOC from competent Authority after the validity, renewal of authorizations is to be sought.
3. The authorization is subject to the terms and conditions stated below and such conditions as may be otherwise specified in these rules and the standards laid down in Schedules I and II under these rules
4. The Maharashtra Pollution Control Board may at any time revoke any of the condition applicable under the authorization and shall communicate the same in writing.
5. Any violation of provisions of Solid Waste Management Rules, 2016 will attracts the penal provisions of the Environment (Protection) Act, 1986 (29 of 1986).

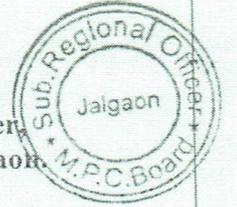


This authorization is granted without prejudice or being prejudice of the order passed/ to be passed by Hon'ble High Court/NGT.

7. The Local Body shall strictly follow the EIA Notification, 2006.
8. The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development
9. The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time.

D. A. - Annexure- I

(S. M. Kurmude)
Sub-Regional Officer,
M. P. C. Board, Jalgaon



Copy Submitted to-

1. Hon'ble District Collector, Jalgaon - Being one of the implementing authorities having overall responsibility for the enforcement of the provisions of Solid Waste Management Rules, 2016, it is obligatory on your part to see that the Solid Waste is processed & disposed off in accordance with the said Rules.
2. The Regional Officer, MPCB, Nashik.

ANNEXURE -I

Terms & Conditions to set up and operate Municipal Solid waste processing / Waste Disposal facility by The Chief Officer, Municipal Council, Faizpur, at Kalmoda Road, Faizpur, Tal. Yawal, Dist. Jalgaon.

1. 5.0 MT/ Day of Municipal Solid Waste generated shall be processed and disposed as below-

- i. Vermi Composting
- ii. Segregated waste like Metallic paper, plastic etc. shall be Disposed through rag pickers by sale for recycle.
- iii. Construction debris/ and such other innocuous material shall be disposed off by sanitary land filling.
- iv. The non-biodegradable inert waste, residues of waste processing facilities as well as pre-processing rejects from waste processing facilities shall be disposed off at authorized landfill site only.

Note:

1. Old quarries and low-lying areas within a city may be earmarked for filling only with construction waste, debris, road- waste, road dust, silt from open drains & similarly non- toxic inert material, without any prior preparation. After filling, such sites should preferably be preserved as open spaces, parks, playgrounds, exhibition- grounds or parking - lots with trees.
2. The odour nuisance from the site can be controlled by periodic spraying of microbial culture or any suitable method.
3. At the initial stage of collection of Municipal Solid Wastes, the waste minimization and segregation shall be carried out at source to avoid burden on the waste processing site.
2. The municipal authority shall comply with these rules as per the implementation Schedule laid down in **Schedule I** as per Solid Waste Management Rules, 2016.
3. Every municipal authority shall, within the territorial area of the municipality, be responsible for the implementation of the provisions of these rules, and for the infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.
4. All 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-I**.
5. The Municipal Council Authority shall furnish its annual report in Form-IV, to the District Magistrate or the Deputy Commissioner with a copy to the Maharashtra Pollution Control Board, on or before of the 30th day of June every year
6. When an accident occurs of any municipal solid wastes collection, segregation, storage, processing, treatment and disposal facility or landfill site or during the transportation of such wastes, the municipal authorities shall forthwith report the accident in Form-VI to the Secretary In charge of the Urban Development Department in metropolitan cities and to the District Collector in all other cases.



7. The waste processing and disposal facilities to be setup by the Municipal Council Authority on their own or through an operator of a facility shall meet the specifications and Standards as specified in schedule-II and III.
8. The ash generated shall be handled properly and shall be stored in a covered shed and disposed off to the enduser and record of it shall be maintained.
9. The gas **cleaning** system shall be installed with comprehensive scrubbing system and shall be analyzed monthly for parameters like PCBs, PAHs, Dioxins, Furans, H₂S, CS₂ etc.
10. The inert created during handling and processing of MSW shall be properly land filled at authorized
11. The municipal authority will have to abide by the provisions of Solid Waste Management Rules, 2016.
12. Tipper and Dumper shall be avoided. Closed body bins can be used or compactor shall be used for MSW collections.
13. Segregation of MSW at source and frequency as per action plan.
14. Raw waste material shall not be dumped/stored temporary at this site.
15. All recyclable material shall be segregated at source and before receiving at disposal site.
16. Process remediates and inert material upto i.e. 25 % of the waste received for processing shall be disposed scientifically to authorized landfill site.
17. All mitigation measures like odour, smoke, fire, dust, nuisance etc. shall be taken by the corporation.
18. Environment Management Plan and Disaster Management Plan shall be prepared and implemented by the Council.
19. The Municipal Council Authority shall to measure, continuously Improve and Achieve the eight items of the Service Level Benchmarking defined and desired by the Ministry of Urban Development, Govt.of India which are as below.



SLB No in UD's GL	Performance Indicator of UD's SLB	Level Desired
SLB 1	Household Level Coverage of SWM Services (household covered Doorstep/Total Household)	100%
SLB 2	Efficiency of Collection of MSW (MSW collected in Tones per day/MSW generated in T/day)	100%
SLB 3	Extent of Segregation of MSW (MSW segregated in Four Components in T/day/Total MSW Collected)	100%
SLB 4	Extent of Recovery of Solid Waste Collected (MSW Processed and Recycled T/d/Total MSW Collected)	80%
SLB 5	Extent of Scientific Disposal of MSW (Total authorized waste component disposed in T/day in SLF/Total MSW Disposed in Dumping sites, grounds, places and SLF)	100%
SLB 6	Efficiency of Redressal of Customer complaints (MSWM complaints received in a month/MSWM complaints Redressed in the month)	80%
SLB 7	Extent of Cost Recovery in SWM Services (Total O & M expenses on MSWM/Total O & M Revenue) in the same period)	100%
SLB 8	Efficiency in Collection of SWM Charges (Revenue Collected/Charges Billed in the same period)	90%

20. Local Body shall submit the time bound program for implementation of processing facility within 15 days.
21. The Municipal Council Authority shall submit Bank Guarantee of Rs. 1.0 lac within a period of 15 days from issuance of this authorization towards compliance of authorization conditions to be drawn in favor of Regional Officer, Maharashtra Pollution Control Board, Nashik which shall be valid for a period of one year.
22. The Municipal Council Authority shall submit Environment Management Plan (EMP) and Disaster Management Plan (DMP) shall be prepared and implemented by the corporation.
23. The Municipal Council Authority shall implement the timely action plan for site selection, acquisition of land, treatment and processing of solid waste as per the Minutes of the Order dtd.2/4/2013 passed by Hon'ble High Court, Mumbai against the Writ Petition No.1740/1998.
24. The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central Pollution Control Board in this regard from time to time and the manual on solid waste management prepared by the Ministry of Urban Development.
25. The operator of the facility shall be responsible for the safe and environmentally sound operations of the solid waste processing and or treatment facilities as per the guidelines issued by the Central Pollution Control Board from time to time and the Manual on Municipal Solid Waste Management published by the Ministry of Urban Development and updated from time to time.



26. Local Body / Operator of the facility should prepare and Implement Disaster Management Plan and Environment Management Plan effectively during operational phase.
27. Local Body / Operator of the facility shall disposed off inert material/ residue, as per Solid Waste Management Rule, 2016.
28. Local Body / Operator of the facility shall not extract ground water without approval from Central Ground Water Authority (CGWA).
29. Local Body / Operator of the facility shall ensure that, during the Monsoon adequate preventive measures are taken to erosion of MSW from site and doesn't flow into the drain and adjacent area.
30. Local Body / Operator of the facility shall provide proper leachate collection and treatment system for treatment of generated leachates.
31. Local Body / Operator of the facility shall provide covered vehicles for transportation and transfer station shall be in accordance with Construction and Demolition waste rules, 2016.
32. Local Body / Operator of the facility shall submit the document / agreement made with land owner /end-user for quantity of bio Mined material that they will accept.
33. This authorization is granted without prejudice or being prejudice of the order passed/ to be passed by Hon'ble High Court/NGT



(S. M. Kurmude)
Sub-Regional Officer,
M. P. C. Board, Jalgaon.



Annexure-IV

MAHARASHTRA POLLUTION CONTROL BOARD
Regional Office Nashik

Phone : 0253-2365150
Fax : 0253-2365140
Website: <http://mpcb.gov.in>
E-Mail: ronashik@mpcb.gov.in



Udyog Bhavan, First Floor Trimbak
Road, Near ITI, Satpur, Nashik-
422007.

No : MPCB/Dir/ 75 / 1252

Date : 26.10.2021

To,
Chief Officer,
Faijpur Nagarpalika ,
Tal. Faijpur Dist. Jalgaon

Sub : Directions under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

- Ref :** 1) Hon'ble NGT Order dtd. 28/08/2019 in OA No. 593/2017 in Paryavaran Suraksha Samiti and others V/s. Union of India and others order dtd. 12/03/2019 in the matter of OA No. 710/2017.
2) Hon'ble NGT Principal Bench issued Order on 22.06.2020 in the Original Application No. 673/2018 in the News item 'The Hindu' authorized by Shri Jacob Koshy under the heading "more river stretches are now critically polluted".
3) Directions under section 33A of the Water (P and CP) Act, 1974 issued by Hon'ble Member Secretary, M.P.C. Board, Mumbai vide letter no. MPCB/JD (WPC)/B-3397 dtd. 11/09/2019.
4) Various directions issued by the M.P.C. Board about the compliance of Water (P and CP) Act, 1974 from time to time.

WHEREAS, the Hon'ble NGT vide order dtd. 28/08/2019 in the matter of O.A. no. 593/2017 in Paryavaran Suraksha Samiti and others. v/s Union of India all the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the State with effect from 01/04/2020. In default of such collection, the State/ UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for the restoration of the Environment. (Vide above ref.no.1).

WHEREAS, Hon'ble NGT Principal Bench issued Order on 22.06.2020 in the Original Application No. 673/2018 in the News item 'The Hindu' authorized by Shri Jacob Koshy under the heading "more river stretches are now critically polluted. The report comprises 351 polluted river stretches in India out of that 53 polluted river stretches are in Maharashtra. The Hon'ble NGT directed to constitute the River Rejuvenation Committee (RRC) at state Level to prepare action plans for restoration of polluted river stretches and to monitor the implementation of this action plan. (Vide above ref.no.2)

AND WHEREAS, the Hon'ble National Green Tribunal vide order dtd. 20/09/2018 in OA no. 673 /2018 directed all States and Union Territories to prepare action plans within two months for bringing all polluted river stretches to be fit at least for bathing purposes (i.e. BOD <3 mg/L and FC <500 MPN/100 ml) within six months from the date of finalization of the action plans.

AND WHEREAS, Environment department, Maharashtra Government issued GR vide no. NGT/2018/PC-2/TC-3 dtd.13.12.2018 regarding constitution of river rejuvenation committee (RRC) with Hon'ble NGT order.

AND WHEREAS, Directions given by Hon'ble NGT in the latest order dtd. 29/11/2019 in O.A. No. 673/2018, monitoring report of CPCB "More River Stretches are now critically polluted: CPCB", are as follows-

1. 100% treatment of sewage may be ensured as directed by this Tribunal vide order dtd. 28/08/2019 in O.A.NO. 593/2017 by 31/03/2020 at least to the extent of the situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22/08/2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.
2. Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31/03/2021 in terms of order dtd. 08/04/2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22/08/2019 in the case of river Ganga i.e. Rs. 10 lakhs per month per STP.

WHEREAS, Directions under section 33A of the Water (P and CP) Act, 1974 issued by Hon'ble Member Secretary, M.P.C. Board, Mumbai vide letter cited at ref. no.3 and directed (a) To submit the time bound action plan for 100% treatment of generated sewage and achieving effluent discharge standards for STP's. (b) To prepare and furnish action plan for utilization of treated sewage.

AND WHEREAS, the following non compliances of above directions have been observed:

1. You have not obtained consent to operate under the provisions of Water (Prevention and Control of Pollution) Act, 1974
2. The entire domestic effluent is being discharged into the local Nalla's/River without any treatment.
3. You have neither provided STP for the treatment of domestic effluent generating from your Municipal Council area nor submitted the time bound action plan for 100% treatment of generated sewage and achieving effluent discharge.
4. You have not furnished the action plan for utilization of treated sewage.

AND WHEREAS, the above non-compliances amount serious violations and clearly shows your gross negligent attitude towards pollution control.

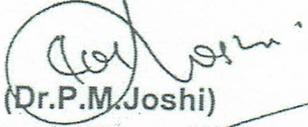
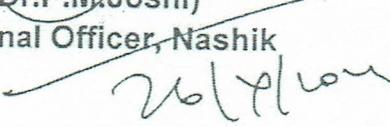
AND WHEREAS, it seems that, you are knowingly and willingly causing the grave injury to the Environment in the nearby area.

NOW, THEREFORE, in exercise of the powers conferred upon the undersigned under section 33A of the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 I, hereby issue Proposed Directions against your local body as follows:

1. Why the Municipal Council shall not be levied by M.P.C. Board the maximum amount of environmental compensation recommended for untreated/partially treated sewage discharge as mentioned in the Hon'ble NGT vide order dtd. 28/08/2019 in the matter of O.A. no. 593/2017 in Paryavaran Suraksha Samiti and anr. v/s Union of India.

You shall submit your reply/objections within a period of 7 days from the date of receipt of these directions, failing which the Board will be constrained to issue appropriate final directions / Prosecution as may deem fit in your case, which may be noted.

**FOR AND ON BEHALF OF THE
MAHARASHTRA POLLUTION CONTROL BOARD**


 (Dr.P.M.Joshi)
 Regional Officer, Nashik


Copy submitted to :-

1. The Hon'ble Member Secretary, MPC Board, Mumbai
2. The Joint Director (WPC), MPC Board, Mumbai.
3. The Principal Scientific Officer, MPC Board, Mumbai.
4. The Law Officer (HQ), MPC Board Mumbai.

Copy to :-

Sub-Regional Officer, MPCB, Jalgaon :- You are also directed to serve the copy of Proposed Directions to local body and submit the compliance in this regard.

Annexure-V

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 0253-2365150
 Fax : 0253-2365140
 Website: <http://mpcb.gov.in>.
 E-Mail: ronashik@mpcb.gov.in



Udyog Bhavan, First Floor Trimbak
 Road, Near ITI, Satpur, Nashik-
 422007.

BY R.P.A.D./FAX/HAND DELIVERY

L. No: MPCB/RO/NK/112-11317/2021

Date:- 8/11/2021

To,
 The Chief Officer,
 Faizpur Municipal Council,
 Tal. Yawal & Dist - Jalgaon.

Sub: - Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 read with Environment (Protection) Act, 1986 towards Environmental Compensation (EC) as per Hon'ble NGT Orders.

- Ref:-
1. Hon'ble NGT Order dtd. 28.08.2019 in the O.A. No. 593/2017
 2. Hon'ble NGT Order dtd. 22.06.2020 in the O.A. No. 673/2018.
 3. Hon'ble NGT Order dtd. 24.07.2020 in the O.A. No. 65/2018.
 4. Hon'ble NGT Order dtd. 22.09.2021 in the O.A. No. 65/2018.
 5. Hon'ble NGT Order dtd. 22.02.2021 in the O.A. No. 593/2021
 4. Proposal submitted by Sub-Regional Officer, MPCB, Jalgaon vide Office Note MPCB-ON-1724
 5. Approval received from the Head Office

WHEREAS, Hon'ble NGT vide Order dtd. 28.08.2019 in the O.A. No. 593/2017 and vide Order dtd. 22.06.2020 in the O.A. No. 673/2018 directed for 100% treatment of sewage at least to the extent of in-situ remediation, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured by 31.03.2020. In default, the local bodies and concerned departments of the states will be liable to pay compensation of Rs.5 Lakh per month per drain for default in in-situ remediation and Rs. 5 Lakh for default in commencement of setting up of the STPs. In the said order it is also directed that timeline for completing all steps of action plan including completion of setting up STPs and there commissioning till 31.03.2021. In default, compensation will be liable to be paid at the scale of Rs. 10 Lakh per month per STP.

ANDWHEREAS, Hon'ble NGT in its order dated 22.09.2021 stated that the SPCB is failing in its duty & recovery compensation on "Polluters Pay principle & taking other Coercive measures.

ANDWHEREAS, Sub-Regional Officer, MPCB, Jalgaon have submitted proposal for non-compliance of Hon'ble NGT Order dtd. 28.08.2019 in the O.A. No. 593/2017 & Hon'ble NGT Order passed in the application No.65/2018 dtd. 22.09.2021. And recommended for issuance of directions towards Environmental Compensation for 3 major drains carrying sewage from the jurisdiction of Faizpur Municipal Council and not Commencement of STP up to 31.3.2020.

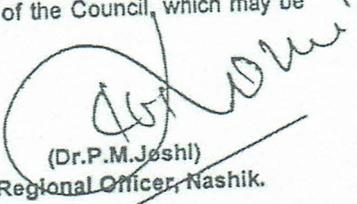
ANDWHEREAS, as per Hon'ble NGT Orders dtd. 22.06.2020 in O.A. No. 673/2018, EC is calculated as follows from April 2020 to Oct. 2021.

Sr. No.	Environmental Compensation per drain per month / per STP per month	Nos. of major drain / STP	Duration of Environmental Compensation	Total Amount of Environmental Compensation
1	Rs. 5 Lakh	3 Drain	18 Month	Rs. 270 Lakh
2	Rs. 5 Lakh	1 STP	12 Month	Rs. 60 Lakh
3	Rs.10 Lakh	1 STP	6 Month	Rs. 60 Lakh
	Total			Rs. 390 Lakh

NOW THEREFORE, it is directed that,

The Municipal Council Faizpur shall deposit EC of Rs. 390 Lakh as calculated above as per directions of Hon'ble NGT in above subjected matter.

In case of non-compliance of the said directions, the MPC Board will have no any other option than to initiate further stringent action against the responsible person / authority of the Council, which may be noted.


(Dr.P.M.Jeshi)
Regional Officer, Nashik.

Copy Submitted to :-

1. The Member Secretary, MPC Board, Mumbai.
2. The Principal Scientific Officer, M.P.C. Board, Mumbai.
3. The Joint Director (WPC), M.P.C. Board, Mumbai.

Copy forwarded to :-

1. The Law Officer, MPC Board, Mumbai
2. Sub-Regional Officer MPCB, Jalgoan – It is directed to serve the copy of these directions to the corporation and take follow up towards compliance of these directions.