

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application NO. 359 / 2019**

Mohammad Yusuf Abdullah Shaikh & Anr.

....Applicant

V/s

State of Maharashtra & Ors

.... Respondents

Status Report in compliance of Hon'ble NGT Order dated 07/08/2020

Earlier in compliance of the order dated 21.01.2020 passed by this Hon'ble Tribunal, the Maharashtra Pollution Control Board has submitted status report on 20.02.2020 and 05.08.2020 before this Hon'ble NGT.

Now, the Maharashtra Pollution Control Board (MPCB) is filing the status report as per the order of Hon'ble NGT dtd. 07.08.2020 in the above matter, as under :-

1. In order to review the action taken, the meetings of the Sub-Committee are conducted on regular basis at Malegaon. During the meetings, the concerned Authorities i.e. Commissioner, Municipal Corporation, Malegaon, District Magistrate, Nashik (Malegaon), Superintendent of Police, Nashik (Malegaon), Member Secretary, Maharashtra Pollution Control Board and the Managing Director, MSEDCL initiated necessary actions to comply with the directions issued by the Hon'ble NGT vide order dtd.21.01.2020.
2. On 04.12.2020, the Additional Collector, Malegaon has conducted a meeting and taken review and observed that till date 152 Plastic Units have been sealed by the Committee for effective closure of plastic units. During the meeting, the Additional Collector, Malegaon instructed to continue the sealing process of remaining plastic industries and also instructed all concerned departments to submit action taken report. Accordingly, details of action taken submitted by the concerned Authorities as under :

(i) **Maharashtra Pollution Control Board :**

- a. Earlier in compliance of the Hon'ble NGT Order dated 21/01/2020, in order to effective implementation of closure order issued by the MPCB, the Sub-Committee had sealed 152 nos plastic units out of 190 plastic & allied units. Thereafter, remaining 38 plastic units (190-152 = 38 units), the Committee has sealed 19 plastic & allied units as on 14/1/2021.

Type of Industries	Closure directions and Refusal Notices issued by MPCB	Sealed by the Sub-Committee	Under process of sealing
Plastic Allied Units	190	171	19

- b. Earlier, the MPCB had issued closure directions to 28 nos.of sizing units. Out of these 28 units, the MPCB had allowed to restart manufacturing activities and consent to operate to 10 nos.of sizing units. The Board has refused consent to 13 nos. of sizing units on 04.01.2021, as they were not in conforming zone and not produced any NOC from Malegaon Municipal Corporation. Further, 5 nos. of units have not applied for consent and still closed.

Type of Industries	Closure directions issued by MPCB	Restart Directions/Consent Operate issued by MPCB	Refusal Notices issued by MPCB	Not applied and closed
Sizing	28	10	13	05

(ii) **M.S.E.D.C.L**

- a. MSEDCL vide letter dtd. 11.01.2021 informed that they have conducted site verification to stop illegal use of electricity for plastic and sizing units and accordingly site verification of 58 No's

of Plastic Industries situated at Aayashanagar, Aksha colony, Daregaon, Ramazanpura, Ajaminagar, Navapur, Dayane, Malde, Sayane, Chandanpuri, was conducted during the period from September to November 2020. During this drive, they observed that 3 No's of Plastic industries were found using illegal electric supply, upon which they have filed F.I.R. MSEDCL has also carried out Night visit with the help of Pawarwadi Police Authority on 04.01.2021 and observed that 10 nos of units were found closed during said night visit. It was informed that they have conducted meeting and instructions were given to their contractor to continue theft drive and installed DTC Meter.

- b. The MSEDCL further communicated that Sealing process is started from 7th December 2020 jointly with Taisildar, Police, M.M.C, MPCB, MSEDCL and MPSL (Distribution Franchisee). Following is progress of sealing, while conducting the sealing process at some location plastic and sizing industry owner's, workers and public gathered with huge mob and resist to stop sealing process on 22.12.2020, 28.12.2020 and 31.12.2020.

(iii) **Police Department, Malegaon:**

- (a) In order to identify places of Hot spot of Vehicle congestion, joint visit was carried out by Police and Malegaon Municipal Corporation at Bus Stand Malegaon, Mushawarth Chowk, Sulemani Chowk, Ramsetu Bridge, Mahatma Phule Chowk to Satana Naka, State Bank chowk camp road, Rastriya Ekatma chowk and the detail report is submitted to A.R.T.O, Malegaon on 25.11.2019 and on the basis of which in order to avoid huge traffic congestion at Mahatma Fule Chowk (Musam Bridge) Malegaon Municipal Corporation has affixed a signal.
- (b) In the jurisdiction of Pawarwadi Police station to prevent Covid-19 pandemic, they have filed F.I.R under IPC Sec. 268, 269, 278,

188 against the truck driver, who was loading waste plastic in truck and transporting. The said case no. 1069 / 2020 is in Malegaon Court under trial.

(iv) **M.I.D.C**

- i) The proposal regarding reservation of Plastic Park in Malegaon (Ajang Ravalgaon) industrial area is approved by their Higher Authorities on 07/08/2020. As per this approval total 245 no of plots area ranging from 206.15 sqm. To 6454.42 sqm. are carved out. Total area reserved = 30.0 hectare.(approx.)
- ii) Plots are reserved for sizing industries in Malegaon (Textile Park)PH-II industrial area (Total 35 no of plot area ranging from 2000 sqm. to 2878 sqm.)

(v) **Malegaon Municipal Corporation reported the following:-**

1. The General Body of Malegaon Municipal Corporation (MMC) has passed a Resolution nos. 61 and 63 dated 16-07-2020 to continue use of sizing units in the extended area of Malegaon Municipal Corporation until the DP of the extended area is finalized. Vide letter No. 77 dated 22-07-2020, MMC has submitted a proposal to Director of Town planning, Nashik to allow use of sizing units in Residential Zone along with Power loom units.

Vide letter No. 702 dated 25 Sept., 2020 Asst. Director of Town Planning, Nashik replied that the Commissioner, MMC is empowered to take decisions taking into account the fact that there will be no violation of any rules and regulations.

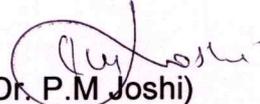
Therefore, the Municipal Commissioner, MMC has allowed 15 Sizing units to use the existing land until the finalization of the Development Plan in extended area of Malegaon Municipal

Corporation, on certain terms & conditions. For remaining Sizing Units, the decision will be taken after the resolution of General Body and fulfillment of technical aspects by the Sizing units. The new UDCPR has been made applicable from 02-12-2020 and accordingly further action will be proposed for Sizing and Plastic Units.

2. MMC further informed that daily solid waste generation of Malegaon Municipal Corporation area is 240 MT/day, out of which, 150 MT/day is being processed. 1,00,000 M3 legacy waste was there, out of this 60,000 M3 bio-mining is completed and remaining 40,000 M3 is being processed @ 150 MT/day.
3. As per the provisions of the Maharashtra Plastic and Thermocol Products (Manufacture, Usage, Sale, Transport, Handling & Storage) Notification, 2018, the Malegaon Municipal Corporation has collected total fine of Rs.1,35,000/- and have collected 2.95 MT of banned plastic products.
4. Work order for provision of Sewage Treatment Plant has been issued on 21.02.2019, which will be completed in 24 months. Until now 25.31% of overall work of STP is being completed and further work will be completed within the stipulated time.
5. Road traffic —With the help of Traffic Police Authority, the Malegaon Municipal Corporation has installed Signal system at Mahatma Phule Statue, Mosampul to avoid traffic congestion.
6. Road construction —Malegaon Municipal Corporation has allocated Rs. 2.5 crore for road construction for the financial year 2020-2021, as per the directions of Hon. National Green Tribunal. Out of these budgetary provisions, estimates of 11 works of gutter, 5 works of hot mix road and 35 works of cement road have been prepared and approved. The tender process for all these works is under process and is in the final stage.

3. Being aggrieved by the closure directions issued by the Maharashtra Pollution Control Board, the Malegaon Taluka Plastic Manufacturers Association on behalf of 74 nos. of plastic units, have filed a Writ Petition bearing (St) No.95356/2020 against the State of Maharashtra, before the Hon'ble High Court of Judicature at Bombay, which is pending.

Date : 27/01/2021
Place : Nashik


(Dr. P.M. Joshi)
Regional Officer-Nashik
M. P. C. Board
