

BEFORE THE NATIONAL GREEN TRIBUNAL
(WZ) PUNE

APPEAL NO : 27/ 2025

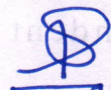
APPELLANT : Divisional Railway Manager,
Mumbai Division of Western
Railways, M. Sethi Marg,
RTO Colony, Mumbai Central
Mumbai

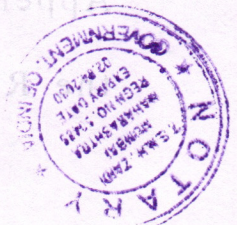
Vs

RESPONDENT : The Maharashtra Pollution
Control Board,
Kalpataru Point, 2nd Floor,
Near Sion Circle, Sion (E),
Mumbai – 400 022

REJOINDER ON BEHALF OF THE
APPELLANT

The Appellant in the instant matter most
humbly submits;

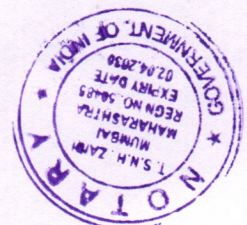

6/10/25




That the Appellant has preferred the instant Appeal questioning the order passed by the Respondent directing it to pay the compensation to the tune of Rs. 1,59,22,550/- vide its order dated 09/12/24.

2. The Respondent has placed on record its Reply to the Appeal stating that ‘ in view of the above non-compliances and as per the Hon’ble NGT Order dated 23/09/24, environmental Compensation calculated based on fixing of accountability for the past failure by assessment as per the methodology recommended in “Report of the CPCB In-House Committee on Methodology for Assessing Environmental Compensation & Action Plan to utilize the Fund.”

3. It is submitted that the Appellant all the time since beginning has been stating that the Appellant was granted the Consent To Operate by the Respondent for the Station Area, which upon



6/10/25



repeated inspection was found clean. What was found unclean, garbage & littered was the railway lines which are surrounded by the unauthorized hutments, slum area. Thusly, the waste generated was due to the factor which was never in the control of the railways. The efforts rendered by the Appellant during the day hours got washed away with the setting of Sun!!

4. As referred by the Respondent about the order passed by the Hon'ble NGT in OA No. 593/2017 which was upheld by the Hon'ble Apex Court re-affirming that the suggestions given by the Hon'ble NGT are to be implemented.

5. The suggestions & the responsibilities cast by the Hon'ble NGT upon the Local Bodies are summarized below;

“ Given the Responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid



01/10

6/10


obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries,



6/10


of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the "common effluent treatment plant" shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dysfunctional, from their own financial resources."

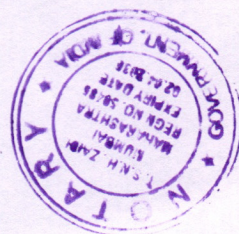



6/110

6. Under the Circumstances , wherein the state PCB as well as the CPCB are directed by the Hon'ble Apex Court to issue the appropriate directions to the Municipalities / local Bodies, the Respondent without exerting itself in doing so, had imposed the penalty upon the Appellant that too for the acts of the others.

7. The Appellant further submits that the MCGM who was also arrayed as a party in OA No. 131/24 shirk its responsibility. And the Respondent had penalized the Appellant for the encroachment for the 698 number of persons staying per hutment. Its surprising that how the Respondent has the jurisdiction to impose the EDC from the Appellant when admittedly the area whereupon the debris, garbage & littering was found was under encroachment and further beyond the Area of the Railway Station for which the consent to operate was granted. Thusly the order passed by the

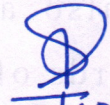

6/10



Respondent saddling the compensation to the tune of Rs. 1,59,22,550/- is perverse and needs to be quashed & set aside.

Hence this Rejoinder.

PUNE MUMBAI


6/10



DATED : 6 OCT 2025

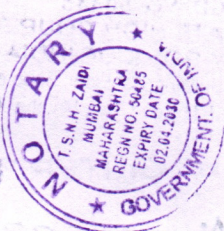
FOR APPELLANT


वरिष्ठ मंडल यांत्रिक अभियन्ता (समन्वय)
पश्चिम रेलवे, मुंबई सेंट्रल
Senior Divisional Mechanical Engineer (Co.)
Western Railway, Mumbai Central

SOLEMN AFFIRMATION

I, Satya Prakash Shrivastav, aged 37 years, Occupation-Service, R/o Officers Rest House No. 03 at Imperial Mansion, Churchgate, Mumbai-4000005. do hereby take oath and state on solemn affirmation;

That I am working as a Senior Divisional Mechanical Engineer (Coordination), Working under Div. Railway Manager, Mumbai Central with the WESTERN RAILWAYS, MUMBAI the




6/10

Appellant. I am Conversant with the facts of the case and hence able to depose the same.

That the Rejoinder has been drafted by my counsel as per my instructions and I have read and understood the same. The contents of the above, i.e. are true and correct as per my knowledge and belief and also as per the information gathered from the records of the Appellant which I believe to be true and so far as the legal submissions contained therein are concerned, they are true to the information received from the counsel and believed to be true by me and which are also explained to me in vernacular.

Hence verified and signed at Nagpur on this 6th Day of OCT, 2025.

6 OCT 2025



(Handwritten signature)

Deponent

I know & Identify the Deponent

वरिष्ठ मंडल यांत्रिक अभियन्ता (समन्वय)
पश्चिम रेलवे, मुंबई सेंट्रल
Senior Divisional Mechanical Engineer (Co.)
Western Railway, Mumbai Central

BEFORE ME

(Handwritten signature) 6/10/2025

T. S.N.H. ZAIDI

REGD. NO. 50485

ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA

Bombay Mutual Building, 1st Floor, Shop No. 66
Above Axis Bank, P.M Road Fort, Mumbai 400001

NOTED & REGISTERED

Page No. 114, Sr. No. 3381

Dated: 6 OCT 2025

(-----)

Advocate

