

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH AT PUNE**  
**EXECUTION APPLICATION NO. 06 OF 2025**  
**IN**  
**ORIGINAL APPLICATION NO. 174 OF 2024**

**IN THE MATTER OF:**

DR. KALYANI MANDKE

...APPLICANT

*VERSUS*

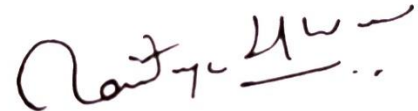
STATE OF MAHARASHTRA & ORS.

...RESPONDENTS

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Rejoinder by the Execution Applicant to Report filed by the Respondent No. 5	352-357
2.	<b><u>ANNEXURE A-9</u></b> A copy of the Hindustan Times news article titled " <i>FIR against 30 mandals for noise level violations during Ganeshotsav</i> " dated 22.09.2024	358-360

THROUGH



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**Date: 24.08.2025**

**Place: Pune**

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**REJOINDER BY THE EXECUTION APPLICANT TO THE REPORT DATED**  
**22.08.2025 FILED BY THE RESPONDENT NO. 5**

**MOST RESPECTFULLY SHOWETH:**

1. That the present Execution Application has been filed seeking urgent directions from this Hon'ble Tribunal for enforcement of the final order and judgment dated 30.08.2024 passed in O.A. No. 174/2024/WZ.
2. That in furtherance of notice issued by the Hon'ble Tribunal, Deputy Commissioner of Police, Special Branch, Pune City filed its report dated 22.08.2025 pointing out the action taken by the Police Authority with respect to the compliance with the directions of Hon. National Green Tribunal Western Zone, Pune given in Para 27 III) to VII) of O.A. no. 174/2024 dated 30.08.2024.
3. That however, the Execution Applicant herein filed the objections to the Deputy Commissioner of Police, Special Branch, Pune City report and submitted its response in the following manner.

**A. Directions dated 03.09.2024 not in compliance with this Hon'ble  
Tribunal's order**

- i. It is respectfully submitted that averments made by Respondent No.5 in paragraph No. 1 are denied as being misleading, misconceived and untenable in law. It is specifically denied that the

directions issued by the Joint Commissioner of Police, Pune, vide letter dated 03.09.2024, have any bearing upon or constitute compliance with the binding directions contained in the judgment dated 30.08.2024 passed by this Hon'ble Tribunal in O.A. No. 174/2024 (WZ).

- ii. It is submitted that the said communication merely reiterates the pre-existing directions flowing from the Government Resolution dated 16.08.2000 and from the orders of the Hon'ble High Court of Bombay in PIL No. 173/2010, restricting the use of loudspeakers and prescribing decibel limits. The said communication neither refers to nor makes any mention of the specific operative directions of this Hon'ble Tribunal dated 30.08.2024, much less implements the same.
- iii. It is further submitted that the directions dated 03.09.2024 are in the nature of a general advisory and cannot be equated with a compliance of the Tribunal's specific order, which required concrete enforcement action against violators in accordance with law. The fact that the said directions were not disclosed in response to the RTI application dated 08.05.2025 filed by the Execution Applicant further reinforces that the same were not issued in pursuance of the order dated 30.08.2024 of this Hon'ble Tribunal.
- iv. Accordingly, reliance placed upon the said Directions by Respondent No. 5 is misconceived, untenable, and liable to be rejected.

**B. Failure of Respondent No. 5 to submit evidence in support of claims made in Affidavit-in-Reply**

- i. The contents of the paragraph No. 2 are denied as being vague, unsubstantiated and devoid of evidentiary value. No material particulars, records, minutes or attendance sheets have been produced to establish that various meetings were in fact convened or that any effective directions were issued to the Mandals therein.

- ii. Similarly, the contents of Paragraph No. 6 are denied as being unsubstantiated and devoid of evidentiary value. It is submitted that no documentary evidence has been annexed to substantiate the statements made regarding institution of 124 criminal cases against noise polluters during Ganesh Festival 2024. On the contrary, in response to the RTI application dated 08.05.2025 filed by the Execution Applicant, the Police Department categorically replied that no such data was available.
- iii. Furthermore, contemporaneous media reports corroborate that only a far lesser number of cases were registered. For instance, Hindustan Times under title "*FIR against 30 mandals for noise level violations during Ganeshotsav*" dated 22.09.2024 have reported that FIRs were filed against only around 30 Mandals during Ganeshotsav 2024 for noise level violations, far below the inflated figures now claimed by the Respondents. Relevant paras are extracted from the news article is as follows:

*"Citizens and activists had already raised several complaints about the high noise levels during Ganesh Festivals, but they were surprised after they came to know that police registered only 30 cases."*

A copy of the news report title "*FIR against 30 mandals for noise level violations during Ganeshotsav*" dated 22.09.2024 is annexed and marked herewith as **ANNEXURE A-9**.

- iv. It is further submitted that the Respondents' own admission that the figures "may vary and increase" as information was sought "on urgent basis" clearly shows that the data is neither final nor authentic. Such vague, fluctuating and unverified assertions cannot be relied upon to establish compliance with the binding directions of this Hon'ble Tribunal. Accordingly, the claim of registration of 124 cases in 2024 and 6 cases in 2025 deserves to be rejected as unfounded, contradictory and unsupported by record.

**C. Effect of Supreme Court Stay on Direction (IV) – Necessity of Deletion from Letter Dated 20.08.2025**

- i. The contents of paragraph No. 3 are false and hence denied. It is respectfully submitted that Direction (IV) of the order dated 30.08.2024, imposing a numerical cap of 30 members per Dhol-Tasha-Zanj troupe during Visarjan processions, stands stayed by the Hon'ble Supreme Court of India in Civil Appeal Diary No. 41937/2024, vide order dated 12.09.2024, until further orders. A true copy of the said order is already annexed as Annexure A-8.
- ii. In view of the said stay granted by the Hon'ble Supreme Court, it is evident that Direction (IV) is presently inoperative and unenforceable. Accordingly, any reliance upon or incorporation of Direction (IV) in the subsequent communication dated 20.08.2025 is patently erroneous, unsustainable in law, and contrary to the binding interim order of the Hon'ble Supreme Court.
- iii. It is, therefore, humbly submitted that Direction (IV) ought to be categorically removed and struck off from the letter dated 20.08.2025, and the Respondent authorities cannot seek to enforce the same during the pendency of the said Civil Appeal.

**D. Necessity To Ensure Submission of Post-Festival Report**

- iv. It is submitted that Respondent No. 5 has delegated the responsibility of limiting the total capacity of loud-speakers permitted to be used by each Ganesh Mandal to all the Zonal Commissioners and Police Stations, as evident in Para 1 of Letter dated 20.08.2025.
- v. However, it is unclear as to how such a restriction will be enforced at this stage by each Zonal Commissioner or Police Station, as Respondent No. 5 themselves were reported saying that permissions obtained in 2024 will continue to be valid in 2025 as well. Therefore, since no new permissions are required in 2025, no restriction is likely to be enforced upon total capacity and number of loud-speakers.

- vi. Due to the above-mentioned, as well as the absence of documentary evidence regarding the apparent 124 cases registered in 2024 and 6 cases registered in 2025, it is most respectfully submitted that directions be issued to Respondent No. 5 to submit a post-festival report detailing the enforcement of restriction on total capacity of loud-speakers to 100 W, as well as detailing the total number of violators of Noise Rules, 2000, and the action initiated by Respondent No. 5 against such violators.

**Date:** 24.08.2025

**Place:** Pune

FILED BY

KMandke

**Applicant**

THROUGH

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# FIR against 30 mandals for noise level violations during Ganeshotsav - Hindustan Times

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Updated on: Sept 22, 2024 05:38 am IST

## Cases were registered for noise level violations during the Ganesh Festival this year, however, no case was filed for the use of laser beams

Pune city police have registered 30 cases against Ganesh Mandals across the city out of which 11 cases were registered for violating guidelines issued by the Bombay High Court related to noise pollution.



As per the data shared by Pune City Police, from September 7 to 17, police filed six non-cognizable offences apart from the 30 cases. (HT FILE)

Cases were registered for noise level violations during the Ganesh Festival this year, however, no case was filed for the use of laser beams. As per the data shared by Pune City Police, from September 7 to 17, police filed six non-cognizable offences apart from the 30 cases.

Data further states that the highest 13 cases and 4 NCs were reported in Zone 1 followed by 8 cases in Zone 2, four cases and an NC in Zone 5. Police confirmed that in most of the cases, they have issued notices and have not made any arrests yet.

Seema Dhakane, police inspector (Special Branch) said, “A total of 30 cases were registered against various Ganesh Mandal during this year’s Ganesh Festival out of which 11 were related to violation of noise pollution guidelines. Our teams are working to analyse recorded noise pollution data; accordingly, further action will be taken.”

Police said that these cases were filed against officer bearers of the Ganesh Mandals under relevant sections of the Noise Pollution (Regulation and Control) Act 2000 and the Indian Environment Act. Under this law, there is a provision for punishment of imprisonment of up to five years and a fine of up to ₹1 lakh.

Citizens and activists had already raised several complaints about the high noise levels during Ganesh Festivals, but they were surprised after they came to know that police registered only 30 cases.

Rupesh Mhetre, a resident of Navi Peth, alleged police for their inaction. “We all have witnessed the huge noise of sound system

many Ganesh Mandals. In fact, we have raised complaints as well, but we know that nothing will happen. To show action, police will register a few cases and let them go.”



According to the Police, the highest number of cases 108 were registered in 2023, followed by 42 cases in 2019, 8 cases in 2022, 5 cases in 2020 and a single case in 2021. In various parts of the city, groups/ mandalas celebrated the 10-day festival by ignoring police orders to maintain noise levels, which led to participants suffering from discomfort, hearing loss and many other health issues.

Last year, during the Ganesh Festival, many suffered health issues due to the impact of high-decibel noise. Hence this year Police Commissioner Amitesh Kumar conducted a meeting with prominent mandals and instructed them to adhere to norms set by the court otherwise they will face strict action.

Despite the restrictions, various mandals in the city went ahead with high-volume sounds for Ganesh Festival celebrations. The installation of large music systems and loudspeaker walls created significant inconvenience for citizens.

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