

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**WESTERN ZONE BENCH AT PUNE**  
**ORIGINAL APPLICATION NO. 150 OF 2025(WZ)**

**IN THE MATTER OF:**

Dr. Snehal Donde (Jalnayak)

...APPLICANT

VERSUS

State of Maharashtra & Ors.

...RESPONDENTS

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**THROUGH**

*Maitreya Prithwiraj Ghorpade*

**ADV. MAITREYA PRITHWIRAJ GHORPADE**

ADVOCATE

COUNSEL FOR THE APPLICANT

Email: maitreya.ghorpade@gmail.com



**Place: Mumbai**

**Date: 04.06.2026**

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE AFFIDAVIT IN REPLY  
FILED BY RESPONDENT NO. 2 (BMC) IN O.A. 88/2025/WZ**

**MOST RESPECTFULLY SHOWETH:**

**I. PRELIMINARY NOTE ON FILING**

1. The present Rejoinder is filed on behalf of the Applicant, Dr. Snehal Donde (Jalnayak), in the above-referenced Original Application pending before this Hon'ble Tribunal. The Applicant draws the Tribunal's attention to the fact that the Affidavit in Reply to which this Rejoinder responds was filed by Respondent No. 2, the Brihanmumbai Municipal Corporation (hereinafter 'BMC'), in a separate proceeding, namely OA No. 88/2025/WZ (Dr. Rakesh Bakshi v. State of Maharashtra & Ors.). The said Affidavit was filed in compliance with the order dated 12.02.2026 of this Hon'ble Tribunal, which directed BMC to furnish, in tabular form, the steps taken in compliance with the recommendations of the Joint Committee Report submitted in the said matter.

The present Rejoinder is not filed as a matter of procedural right in OA No. 88/2025/WZ, to which the Applicant is not a party. It is filed solely in the



present OA, as an act of assistance to this Hon'ble Tribunal in a matter of deep concern to the Applicant. The issues raised in both OAs pertain to the same ecological body, Powai Lake; the same Respondent authority; the same regulatory framework; and the same ongoing environmental harm. This Hon'ble Tribunal, vide its Order dated 16.09.2025 in IA 688/2025/WZ, directed the Applicant to file a separate O.A. so that both matters may be taken up and fixed together. The present Rejoinder is filed in that spirit, to ensure that this Hon'ble Tribunal has before it a complete and accurate picture of what BMC has and has not done, so that the reliefs sought in the present OA may be considered with the benefit of the most current facts, and is also necessitated due to the fact that no reply has been filed in OA 150/2025/WZ by the BMC.

3. The Applicant respectfully submits that the BMC's Affidavit, while presenting an image of diligent compliance, discloses upon careful examination a pattern of incomplete execution, deferred timelines, reliance on inadequate technological choices, and conspicuous silence on the most ecologically critical recommendations of the Joint Committee. Each of these gaps is addressed below: first through a technical examination of the claimed compliances, and then through the legal argument that partial and deferred compliance cannot satisfy the Tribunal's directions or environmental law obligations.

## **II. BRIEF BACKGROUND**

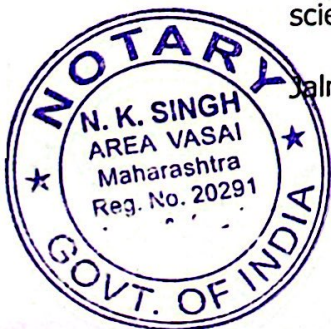
4. This Hon'ble Tribunal, vide its Order dated 10.07.2025 in OA No. 88/2025/WZ (then OA No. 318/2025, Principal Bench), constituted a Joint Committee comprising authorised officers of the Central Pollution Control Board, the Maharashtra Pollution Control Board, and the Maharashtra State Wetland



Authority ('the JCR Committee'). The JCR Committee visited the site on 12.08.2025, collected samples, heard submissions from BMC and the original Applicant's representatives, and submitted its Report ('the JCR') containing detailed factual findings and nine specific remedial recommendations at Section 6.0 thereof (numbered (i) through (ix)).

5. The JCR is not a routine administrative document. It was constituted and submitted pursuant to a direction of this Hon'ble Tribunal, and its findings carry the character of a judicial fact-finding exercise. By its Order dated 12.02.2026, this Hon'ble Tribunal directed BMC to file a tabular affidavit setting out the steps taken in compliance with the JCR's recommendations. The BMC's Affidavit dated April 2026 ('the BMC Affidavit') purports to comply with that direction, and addresses fourteen items in total: the nine JCR remedial recommendations, together with five additional directions that appear to have been issued separately by this Tribunal in the course of proceedings in OA 88/2025/WZ (items (x) through (xiv) covering the Bhandup WWTF commissioning, real-time DO monitoring, festive pollution control, shoreline beautification, and a time-bound action plan). This Rejoinder addresses all fourteen items as presented by BMC, since they all bear on the ecological condition of Powai Lake that forms the subject of the present OA.

6. The Applicant in the present OA is Dr. Snehal Donde (Jalnayak), a scientist and limnologist of over 29 years' standing and a Fulbright Scholar-in-Residence (USA). She is a recognised researcher in the field of lake ecology, sewage science, and wetland restoration. She was appointed as Divisional-level Jalnayak vide Government letter no. 5/JaLaShi/Jalnayak/284/05/17 dated



05.05.2017, specifically for the Powai Lake corridor. In her capacity as Jalnayak, she has submitted detailed technical reports to the Mayor and Commissioner of the MCGM regarding plans for the restoration of Powai Lake, and has thereafter been invited by the Hydraulic Engineering Department, MCGM, which is the department responsible for Powai Lake, to present and discuss her findings.

7. Her prior engagement with the very authority responsible for the Lake, combined with her appointment as Jalnayak by the Government of Maharashtra, makes her an ideal and logical candidate for inclusion in any expert committee on Powai Lake restoration. Her independent research and field assessments, which BMC itself has acknowledged in correspondence, have documented with scientific precision the same ecological degradation that the JCR subsequently confirmed. She has a direct and substantial interest in ensuring that BMC's compliance with the JCR recommendations is genuine, scientifically sound, and ecologically adequate.

### **III. OVERVIEW: WHAT THE BMC CLAIMS AND WHAT IT DISCLOSES**

8. Before addressing each JCR recommendation, the Applicant submits that the following overarching features of the BMC Affidavit are of concern to this Hon'ble Tribunal:

JCR Recommendation / Tribunal Direction	BMC's Claimed Compliance	Applicant's Assessment
(i) In-situ drain remediation forthwith as interim measure	BMC has proposed interception and diversion under Proposal-1 (sewer lines). No in-situ drain treatment technology deployed.	NON-COMPLIANT. Interception is a long-term measure, not in-situ remediation. The recommendation is ignored.
(ii) In-lake restoration under academic supervision	HE Dept. has engaged Green Yatra (NGO via CSR) for Phase 1 scientific pre-assessment. Phase 2 (actual desilting) yet to start.	PARTIAL / INADEQUATE. CSR-funded NGO study is not in-lake restoration. Phase 2 has not begun. No timeline given.



JCR Recommendation / Tribunal Direction	BMC's Claimed Compliance	Applicant's Assessment
(iii) No untreated sewage; compensation Rs. 5 lakh/inlet/month for default	85% of sewer line for culverts 1-14 laid. 77% for culverts 15-18. Work Order for 8 MLD STP issued 12.12.2025; commissioning Dec 2027.	ONGOING VIOLATION. 18 MLD continues to enter the lake. STP Work Order issued Dec 2025 but commissioning not until Dec 2027. No interim in-situ remediation deployed.
(iv) Expeditious desilting of Powai Lake; sludge analysis protocol	Same as (ii): Green Yatra Phase 1 pre-assessment only. No desilting plan filed.	NON-COMPLIANT. No desilting plan, volume estimate, methodology, or disposal protocol submitted to Tribunal.
(v) Install additional jet fountains/aerators near mixing zone	Existing aerators noted. MHADA installing musical fountain at Pawarwadi. Work to complete in 6 months.	INADEQUATE. Musical fountain is aesthetic infrastructure. Aerators near the mixing zone/confluence of sewage specifically directed by JCR are absent.
(vi) Clean and desilt culverts/drains after rainy season; cover with RCC slabs	Cleaning done on regular basis. RCC slab covering confirmed. Sewer lines underground and Rob holes covered.	PARTIAL. Regular cleaning acknowledged but no monitoring or compliance data filed.
(vii) Install trash net capture technologies	Screen arrangement proposed in interceptors under Proposal-1.	INADEQUATE. Screen arrangement in interceptors is not equivalent to the multi-tier trash capture system (litter booms, hydrodynamic separators, basin hoods) specifically recommended.
(viii) Reuse/recycle harvested water hyacinth	HE Department will 'make appeal in print and digital media' for interested scientists/assessors.	NON-COMPLIANT. JCR directed exploration and implementation of suitable reuse methods. A media appeal is not a feasibility assessment.
(ix) Expediously complete works under Proposals 1 and 2	Progress: 85% / 77% / 100% for different parts of Proposal-1. Proposal-2 (8 MLD STP): Work Order issued 12.12.2025; commissioning Dec 2027.	SUBSTANTIALLY INCOMPLETE. Sewer line/interceptor work for culverts 1-14 and 15-18 incomplete. Commissioning timeline of Dec 2027 means 18 MLD discharge continues for at least 18+ months.
(x) Expediously commission new 215 MLD STP at Bhandup	Construction ongoing since Aug 2022. MSDP dept. undertaking work; completion scheduled 22.08.2026.	CRITICAL GAP. Project schedule shows commissioning certificate only at 11.12.2027. Existing 130 MLD Bhandup STP is non-compliant. Sewage from Powai diverted here in interim.
(xi) Connect real-time DO monitoring to public domain	DO levels available on BMC website at <a href="http://www.dopowai.com">www.dopowai.com</a>	COMPLIED WITH (partial). Website operational. Monitoring data has not been filed before the Tribunal.



JCR Recommendation / Tribunal Direction	BMC's Claimed Compliance	Applicant's Assessment
(xii) Prevent festive/idol immersion pollution; public outreach	Artificial tanks for idols; nirmalya kalash deployed; awareness programmes conducted.	SUBSTANTIALLY COMPLIED WITH for festive season. Ongoing monitoring not addressed.
(xiii) Beautification of shoreline; fencing; signage	Consultant appointment for DPR is 'in process'.	NON-COMPLIANT. Tribunal direction remains unimplemented. Only a DPR consultant is being appointed.
(xiv) Time-bound action plan with PERT chart	PERT chart submitted for HE Department activities only (desilting and hyacinth).	INCOMPLETE. PERT chart covers only 2 activities out of 9 JCR remedial recommendations and additional Tribunal directions. No unified action plan filed.

#### **IV. TECHNICAL DEFICIENCIES IN BMC'S CLAIMED COMPLIANCES**

##### **A. THE IN-SITU DRAIN REMEDIATION DIRECTION HAS BEEN COMPLETELY IGNORED**

9. The most urgent recommendation in the JCR was Remedial Measure (i): that BMC 'expeditiously implement in-situ drain treatment technology in the culverts and drains which are carrying untreated sewage into Powai Lake' as an interim measure, pending completion of the long-term sewage interception works. The JCR specifically identified Green Bridge Technology (GBT), Microbial Dosing (MD), Soil Scape Filter Technology (SSFT), Floating Islands Technology (FIT), and Restoration of Nallah with Ecological Units (RENEU) as proven, India-available technologies capable of substantially reducing BOD, faecal coliform, and nutrient loads.

10. The BMC Affidavit entirely ignores this recommendation. In response to Recommendation (i), BMC describes only its Proposal-1 (sewer lines and interceptors for diversion) and Proposal-2 (new STP). These are long-term capital infrastructure works. The JCR, anticipating that these works would 'take



substantial period of time', specifically directed in-situ drain treatment as a bridge measure. That bridge measure has not been deployed, proposed, or even contemplated by BMC.

11. The significance of this omission cannot be overstated. As the JCR itself acknowledges at Conclusion (v), until the new STP and all ancillary works are complete, '18 MLD of untreated sewage will be continued to be discharged into Powai Lake. As a result, the water quality of Powai Lake to continue to deteriorate along with overwhelming growth of water hyacinth and loss of biodiversity.' BMC's own project schedules disclose that the 8 MLD STP (Proposal-2, Powai Udanchan Kendra) is expected to be commissioned only by 11 December 2027, approximately two years from the date of filing of this Rejoinder.

12. The lake will therefore continue to receive 18 MLD of untreated sewage for at least two more years while the in-situ treatment option, which is cheaper, faster to deploy, and proven in effectiveness, goes unutilised.

13. The Applicant's research demonstrates that phytoremediation systems, one of the technologies specifically named by the JCR, can raise dissolved oxygen (DO) from zero to 5 mg/l and reduce faecal coliform by over 50%. The current DO readings in the lake, as confirmed by the JCR's own MPCB-lab certified data, stand at 3.5 to 3.8 mg/l, critically below the 5 mg/l standard for fisheries. Every month that passes without in-situ treatment is a month of continued ecological deterioration that could have been partially mitigated at a fraction of the cost of Proposals 1 and 2.



**B. THE BHANDUP STP IS NON-COMPLIANT: DIVERTING POWAI'S SEWAGE  
THERE IS ECOLOGICALLY INDEFENSIBLE**

14. A central element of BMC's long-term plan is the diversion of 7.8 MLD of sewage from culverts 15-18 to the existing 130 MLD Bhandup STP. This is Proposal-1, Part (b). BMC asserts that 77% of the sewer line for this diversion has been laid and that the interceptors work is 'yet to be started.'
15. What the BMC Affidavit does not address, and what the JCR itself records in its own observations at Section 4.5(ii), is that the existing 130 MLD Bhandup STP operates on aerated lagoon technology (primary and secondary treatment only) and has been 'consistently found non-complied' with MPCB prescribed discharge standards. The JCR sets out the data: BOD at the STP outlet has ranged from 16 to 105 mg/l against a prescribed maximum of 10 mg/l; COD has ranged from 60 to 272 mg/l against a prescribed maximum of 50 mg/l.
16. BMC's affidavit does not explain how diverting an additional 7.8 MLD of sewage to a facility that already fails to meet effluent standards will improve the ecological condition of Powai Lake. By BMC's own representation, the existing 130 MLD Bhandup STP will continue to operate until the new 215 MLD WWTF at Bhandup is commissioned. The project schedule annexed to the BMC Affidavit shows that the commissioning certificate for the new 215 MLD plant is expected only on 11 December 2027. The Applicant respectfully submits that this means:



- From now until at least December 2027, 7.8 MLD of sewage diverted from Powai Lake will be sent to a non-compliant STP that cannot meet BOD or COD discharge standards.
- The treated effluent from that non-compliant STP will either be discharged into the environment at non-standard quality, or re-contaminate receiving water bodies, achieving no net ecological benefit for Powai Lake's catchment system.
- The new 215 MLD WWTF itself, as shown in BMC's annexed project schedule, is still in engineering/procurement phase for most components as of today, with commissioning of individual modules running through 2026-2027.

17. This is a critical gap that the Tribunal must address. The plan to divert 7.8 MLD to a non-compliant intermediate facility is not a solution; it is a displacement of the problem. The Applicant respectfully urges this Hon'ble Tribunal to direct BMC to demonstrate, with monitored data, that the receiving STP at Bhandup will meet prescribed effluent standards before any additional sewage load is directed to it from Powai Lake.

18. The Applicant's scientific submissions in the present OA document in detail that MBR technology (which the proposed 8 MLD Powai STP uses) and conventional SBR/aerated lagoon systems (which the Bhandup 130 MLD STP uses) **cannot remove nutrients (nitrogen and phosphorus), pharmaceutical residues, microplastics, or pathogens that cause eutrophication.** The JCR's own water quality data confirms that the lake already exhibits BOD of 22-26 mg/l and DO of 3.5-3.8 mg/l, conditions consistent with advanced eutrophication. Returning treated effluent from an MBR-based STP back into a



eutrophic lake will perpetuate nitrogen and phosphorus loading and sustain the very algal bloom conditions that are destroying the lake's biodiversity.

**C. THE 8 MLD STP (PROPOSAL-2): WORK ORDER ISSUED DECEMBER 2025; COMMISSIONING DECEMBER 2027; TREATED EFFLUENT PLANNED FOR RETURN TO LAKE**

19. The cornerstone of BMC's Proposal-2 is the design, construction, and commissioning of a new 8 MLD STP at the abandoned Powai sewage pumping station (Powai Udanchan Kendra), based on Membrane Bioreactor (MBR) technology, at a contract cost of Rs. 65,88,36,771.46. The Work Order has been issued to M/s. EIUL-SSG JV on 12.12.2025, and the project schedule shows a time period of 24 months excluding monsoon.

20. The BMC Affidavit, when read with the annexed project schedule (Exhibit B), discloses that the commissioning certificate for this plant is expected only on 11 December 2027. Even on BMC's own optimistic timeline, this means the lake will continue to receive 8.2 MLD of untreated sewage from culverts 1-14 for at least the next 18 months after this Rejoinder is filed. During this entire period, no in-situ treatment has been deployed at these culverts, in direct violation of JCR Recommendation (i).

21. More critically, the project specification for Proposal-2 expressly provides for a 'Treated Water Discharge Line of 600 metres', meaning that after treatment, the effluent from the 8 MLD STP will be discharged back into Powai Lake. BMC has justified this on the ground that it is necessary 'to maintain the water balance in the lake and to preserve the aquatic life/biodiversity.'



22. The Applicant submits that this justification is scientifically unsound and contrary to the principles of wetland ecology for the following reasons:

- MBR technology provides primary, secondary, and tertiary treatment but does not remove dissolved nutrients, namely nitrogen compounds and phosphorus, which are the primary drivers of eutrophication in lake systems. The JCR's water quality data shows nitrate-nitrogen values of 0.63 to 1.8 mg/l in the lake. Returning treated effluent that retains its nutrient load will sustain and worsen eutrophication.
- MBR systems do not remove pharmaceutical micropollutants, endocrine-disrupting compounds, or antibiotic residues, all of which accumulate in heavily sewage-impacted urban lakes and disrupt aquatic reproductive cycles and biodiversity.
- Returning treated effluent to the same water body whose hydrology, chemistry, and ecology have been disrupted by decades of sewage ingress is contrary to the restoration principle: the goal of ecological restoration is to reduce external loading, not to substitute one form of loading (raw sewage) with another (treated but nutrient-rich effluent).
- The Applicant's scientific reports, including her Policy-Scientific Report on the Flaws in Conventional STPs, provide detailed technical evidence for each of these propositions.

23. The Applicant respectfully submits that this Hon'ble Tribunal should direct BMC to either redesign the discharge arrangement for the proposed 8 MLD STP so that treated effluent is not returned to Powai Lake, or to demonstrate with quantitative scientific data that the treated effluent will meet the full range of



parameters necessary for lake ecological health, including total nitrogen, total phosphorus, pharmaceutical residues, and microplastics, before any such discharge is permitted.

**D. THE DESILTING DIRECTION: A CSR-FUNDED NGO PRE-ASSESSMENT IS NOT COMPLIANCE**

24. JCR Recommendation (iv) directed BMC to 'expeditiously carry-out dredging of edges of Powai Lake to remove the accumulated sediment and debris including de-weeding from the shoreline and shallow areas including de-silting of Powai Lake to restore depth, improve water quality, and enhance the ecosystem functions.' The JCR further directed that sludge analysis be carried out before disposal, and that BMC follow the protocols established in OA No. 125/2017 (Court on its own Motion v. State of Karnataka).
25. The BMC Affidavit's response to this recommendation is entirely subsumed under its response to Recommendation (ii) and repeats the same single fact: that the Hydraulic Engineering Department has engaged Green Yatra (NGO) through CSR funds to carry out a Phase 1 scientific pre-assessment for Powai Lake Restoration.
26. This is not compliance with the JCR's direction. The deficiencies are fundamental:
- The JCR directed expeditious desilting. BMC has initiated a pre-assessment study, the first of two phases, through a non-governmental organisation operating on corporate social responsibility funds. Phase 2 (actual execution of desilting) has not been initiated, funded, or scheduled.



- Desilting Powai Lake is a core civic responsibility of the BMC as the statutory authority for lake management and urban infrastructure in Mumbai, and it is now also a specifically directed remedial measure of this Hon'ble Tribunal. It cannot be delegated, even in part, to a CSR-funded NGO whose mandate, capacity, independence, and accountability to the Tribunal are entirely undefined. The quantum of work involved, being 4,500 lakh m<sup>3</sup> of accumulated silt and a 32.30% reduction in water-holding capacity, requires institutional resources and legal enforceability that CSR funding and voluntary NGO engagement cannot provide.
- The BMC's own Detailed Project Report of March 2025 established that approximately 4,500 lakh m<sup>3</sup> of silt has been deposited in Powai Lake and that the water-holding capacity has been reduced by 32.30%. These are quantified findings. A pre-assessment by a CSR-funded NGO adds no legal certainty to what is already a measured, documented, and judicially-noticed problem.
- The JCR further directed that a protocol for sludge analysis and disposal be determined in accordance with relevant Rules. No such protocol has been placed before the Tribunal.

27. The Applicant respectfully submits that this Hon'ble Tribunal should direct BMC to: (a) prepare and file a time-bound desilting plan funded from the municipal budget, specifying volume targets, methodology, turbidity prevention measures, and disposal protocols; (b) commission sludge analysis before any desilting commences; and (c) file a phased compliance report before the Tribunal every three months.



Mayor and Commissioner of the MCGM on restoration plans for Powai Lake, and has thereafter been invited by the Hydraulic Engineering Department, the very department responsible for Powai Lake, to present her findings and proposals. This prior official engagement and her government appointment as Jalnayak make her a uniquely qualified and appropriate candidate for any expert oversight committee on Powai Lake restoration. The BMC's desilting pre-assessment team does not include her, despite the JCR's own direction for expert academic supervision, and despite this Tribunal's Order dated 16.09.2025 which, while declining to allow direct intervention in OA 88/2025/WZ at that stage, acknowledged the Applicant's submissions and specifically directed her to file a separate Original Application, being the very OA now pending before this Tribunal, so that her scientific contributions could be placed before the Tribunal in an appropriate proceeding.

- The Applicant's expertise is precisely what the JCR recommendation calls for: scientific oversight of lake restoration. Her exclusion from the pre-assessment process, in favour of a CSR-funded NGO and a conflicted institutional Respondent, cannot be allowed to stand.

30. The Applicant respectfully submits that this Hon'ble Tribunal should direct the BMC to formally include the Applicant in the scientific oversight committee for the desilting pre-assessment and the subsequent restoration plan, in line with the relief sought in the present OA and in compliance with the spirit of this Tribunal's Order dated 16.09.2025.



**F. THE TIME-BOUND ACTION PLAN: A PERT CHART FOR TWO ACTIVITIES IS NOT A COMPREHENSIVE PLAN**

31. Item (xiv) of the BMC Affidavit's compliance table, which reflects a Tribunal direction rather than a recommendation from the JCR itself, required BMC to 'submit a time-bound action plan along with PERT chart for implementation of the remedial measures, as given above.' The phrase 'as given above' encompasses all nine JCR remedial recommendations plus the additional Tribunal directions (items (x) through (xiii)). The BMC Affidavit annexes a PERT chart for the Hydraulic Engineering Department that covers, at most, two activities: hyacinth reuse and desilting-related steps.
32. There is no unified compliance plan covering: (i) in-situ drain remediation technologies at each culvert; (ii) the sewer line/interceptor works for culverts 1-14 and 15-18 beyond the already-annexed bar chart for Proposal-1; (iii) the desilting plan; (iv) the shoreline beautification and fencing; (v) trash net capture technologies; (vi) the water hyacinth reuse feasibility assessment; or (vii) the overall integration of Proposals 1 and 2 with interim ecological monitoring milestones. The BMC's own bar chart for Proposal-1 sewer works runs to September 2026, and the project schedule for the 8 MLD STP runs to December 2027, but neither is presented within a unified compliance framework that this Tribunal can monitor.
33. The Applicant submits that the absence of a unified, Tribunal-monitored time-bound action plan is not a technical omission; it is a symptom of an administration that views compliance as a reporting exercise rather than a substantive environmental obligation. This Tribunal should direct BMC to file a



consolidated compliance plan addressing all nine JCR remedial recommendations and all additional Tribunal directions with verifiable milestones, within a period to be fixed by the Tribunal.

## **V. LEGAL SUBMISSIONS**

### **A. PARTIAL COMPLIANCE CANNOT SATISFY THE TRIBUNAL'S DIRECTIONS OR THE OBLIGATION OF ENVIRONMENTAL DUE DILIGENCE**

34. Under the National Green Tribunal Act, 2010, this Hon'ble Tribunal exercises jurisdiction over 'substantial questions relating to the environment' and may pass orders to prevent and remedy environmental damage.

35. The standard of compliance with Tribunal-directed remedial measures cannot be a minimum administrative response; it must be adequate to actually prevent and remedy the environmental harm in question. Partial execution of infrastructure works, accompanied by deferred timelines, delegated pre-assessments, and conspicuous omissions on the most urgent interim measures, does not meet this standard.

36. The Applicant relies on the Hon'ble Supreme Court's formulation of the Precautionary Principle in *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647, which requires that where there is a threat of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent degradation.

37. BMC's approach, to await the commissioning of large capital infrastructure over a two-year horizon while taking no interim ecological action, inverts this principle. The threat is not uncertain; it is confirmed by MPCB's own certified

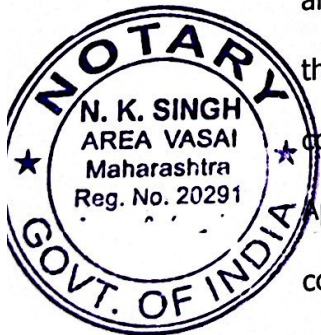


laboratory results. The interim measure (in-situ drain treatment) is available, cost-effective, and specifically recommended by this Tribunal's own expert committee.

38. The Applicant further relies on the Polluter Pays Principle as articulated in Indian Council for Enviro-Legal Action v. Union of India (1996) 3 SCC 212, which holds that the financial costs of preventing, mitigating, and remedying environmental harm must be borne by the polluter. BMC, as the body responsible for sewerage infrastructure and lake management, has allowed 18 MLD of untreated sewage to enter Powai Lake for decades.

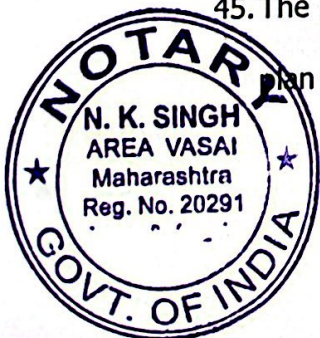
39. The cost of in-situ interim remediation, of comprehensive desilting, and of genuine expert oversight is a liability that falls squarely on the BMC under the Polluter Pays Principle; it cannot be outsourced to a CSR-funded NGO or deferred to a two-year construction programme.

40. Finally, the Applicant relies on the JCR's own recommended remedy for default at Remedial Measure (iii): that this Tribunal 'direct the BMC to pay compensation of Rs. 5 lakh per month per inlet into the lakes from 01/02/2020 as deemed fit.' Given that the JCR itself found 18 MLD entering through what amounts to 21 culverts and inlets, and given that the BMC Affidavit confirms this situation continues with no interim remediation deployed, this compensation measure is, on the JCR's own terms, already warranted. The Applicant respectfully urges this Tribunal to direct BMC to show cause why such compensation should not be imposed.



**B. THE DISCHARGE OF TREATED EFFLUENT INTO POWAI LAKE REQUIRES REGULATORY CLEARANCE UNDER THE WETLANDS RULES, 2017**

41. Rule 4 of the Wetlands (Conservation and Management) Rules, 2017 read with Schedule I prohibits, within notified wetlands, activities such as conversion of land use, solid waste dumping, and any activity that alters the hydrology of the wetland. Schedule II to the Rules places certain activities, including construction and discharge of treated effluents, in the 'regulated' category, meaning they require prior clearance from the competent authority and cannot proceed merely on the basis of a municipal engineer's internal project approval.
42. While Powai Lake's formal notification as a wetland under the 2017 Rules is a live issue in the present OA, the statutory character of Powai Lake as an urban wetland, forming part of the cascading hydrological system of Tulsi-Vihar-Powai Lakes within the SGNP catchment, is established in this Applicant's OA and is not disputed by any Respondent. The Applicant further relies on Grounds I and L of the present OA, which specifically invoke Rule 4 and Schedule II of the Wetlands Rules as grounds for relief.
43. The BMC's plan to return treated effluent from the proposed 8 MLD MBR STP into Powai Lake has not been assessed or cleared under the Wetlands Rules regime, and runs contrary to both the protective intent of those Rules and the ecological science underpinning them.
44. Whether treated effluent may be discharged back into a water body of Powai Lake's ecological character, without a prior wetland-impact assessment and without regulatory clearance, is a substantive question of environmental law that must be adjudicated in the present OA.
45. The Applicant respectfully submits that this Tribunal should not permit BMC's plan to proceed without first directing a full scientific and legal assessment.



**VI. CONSOLIDATED GAP ANALYSIS: WHAT REMAINS TO BE DONE**

46. The following table consolidates the gaps identified in the BMC Affidavit and the corresponding directions that this Applicant submits are necessary:

#	Gap Identified	Requisite Action	Corresponding Prayer in OA
1	No in-situ drain treatment technology deployed at any culvert	Direct BMC to immediately deploy proven in-situ technologies (GBT/FIT/RENU) at all 19 culverts and 2 inlets; compliance affidavit within 30 days	Prayer 4 (decentralised sewage management)
2	Bhandup 130 MLD STP non-compliant; yet to receive 7.8 MLD diversion from Powai	Direct BMC to demonstrate STP effluent compliance before additional Powai sewage is diverted; or redirect to compliant facility	Prayer 4; Section X (expert committee)
3	8 MLD STP Work Order issued Dec 2025; commissioning Dec 2027; treated effluent planned for return to lake	Direct BMC to redesign discharge arrangement; treated effluent not to re-enter lake; or file scientific justification meeting Wetlands Rules	Prayer 4; OA Grounds K and L
4	No desilting plan filed; only CSR NGO pre-assessment initiated	Direct BMC to file bathymetry-based phased desilting plan with volume targets, methodology, turbidity protocol, disposal plan and milestones	Prayer 3 (scientific desilting plan)
5	IIT Bombay (a conflicted Respondent) included in restoration oversight; Dr. Donde excluded	Direct inclusion of Applicant in scientific oversight committee for all restoration activities; address conflict of interest of IIT Bombay	Prayer 5; Section X
6	Musical fountain at Pawarwadi; no aerators specifically at mixing zones/confluence of sewage	Direct BMC to install aerators of adequate capacity at the confluence of each culvert discharge with lake water	JCR Recommendation (v)
7	No feasibility study or implementation plan for water hyacinth reuse/recycling	Direct BMC to file feasibility assessment for hyacinth bioconversion (biogas, biofertiliser) within 60 days	JCR Recommendation (viii)

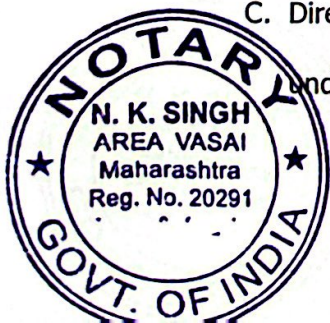


#	Gap Identified	Requisite Action	Corresponding Prayer in OA
8	No unified Tribunal-monitored action plan covering all 9 JCR recommendations and additional Tribunal directions	Direct BMC to file consolidated time-bound compliance plan with milestones for all items in the compliance table within 30 days	Tribunal direction (item xiv)
9	No MRSAC-standard GIS mapping of buffer zone, floodplain, catchment filed	Direct MCGM to commission GIS/MRSAC mapping and file shapefiles before Tribunal	Prayer 1 (GIS demarcation)
10	No action on encroachments within 100m buffer zone, including IIT Bombay constructions	Direct MCGM to inspect, notify and remove all encroachments within demarcated buffer zone	Prayer 2 (encroachment removal)

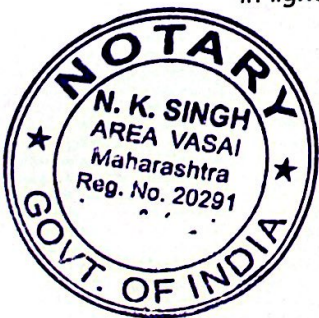
## **VII. PRAYERS**

47. In light of the aforesaid submissions and recommendations of the Joint Committee, the Applicant respectfully prays that this Hon'ble Tribunal be pleased to:

- A. Issue directions to Respondent No. 2 (BMC/MCGM) to immediately deploy in-situ drain treatment technologies, specifically Green Bridge Technology, Floating Islands Technology, or equivalent, at all 19 culverts and 2 inlets identified in the JCR as carrying untreated sewage into Powai Lake, and to file a compliance affidavit confirming deployment within 30 days of this Hon'ble Tribunal's order;
- B. Direct that no sewage from Powai Lake's catchment be diverted to the existing 130 MLD Bhandup STP unless and until that facility demonstrates consistent compliance with MPCB's prescribed BOD and COD discharge standards, supported by at least three months of certified monitoring data;
- C. Direct BMC/MCGM to redesign the treated effluent discharge arrangement under Proposal-2 (8 MLD MBR STP) so that treated effluent is not returned into



- Powai Lake; or in the alternative, to file before this Hon'ble Tribunal a scientific assessment, including full nutrient (N, P), micropollutant, and pathogen removal data, demonstrating that such discharge is ecologically safe and consistent with the Wetlands (Conservation and Management) Rules, 2017;
- D. Direct BMC/MCGM to file a comprehensive, BMC-funded, bathymetry-based desilting plan setting out: (i) volume of silt to be removed; (ii) methodology and equipment; (iii) turbidity prevention measures; (iv) sludge analysis and disposal protocol; and (v) time-bound milestones enforceable by this Tribunal;
- E. Direct that the scientific oversight committee for all lake restoration activities, including the desilting pre-assessment currently assigned to Green Yatra/IIT Bombay, be reconstituted to include the Applicant, Dr. Snehal Donde, as an expert member; and that the conflict of interest arising from IIT Bombay's position as Respondent No. 6 in the present OA be addressed before IIT Bombay is permitted to serve as an oversight institution for activities that concern the buffer zone in which it is alleged to have constructed;
- F. Direct BMC/MCGM to file a unified, consolidated time-bound action plan with PERT chart covering all nine JCR remedial recommendations and all additional directions issued by this Tribunal in OA 88/2025/WZ, within 30 days of the Hon'ble Tribunal's order, for the Tribunal's monitoring;
- G. Direct Respondent No. 2 to show cause why compensation under the Polluter Pays Principle at Rs. 5 lakh per month per inlet, as specifically recommended in the JCR, should not be imposed with retrospective effect from 01.02.2020, in light of BMC's continued failure to prevent untreated sewage discharge.



Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts of the present case;

FILED BY

*Manasi Thakare*

**MANASI THAKARE**

**MAITREYA PRITHWIRAJ GHORPADE**

**ADVOCATES**

COUNSELS FOR THE APPLICANT

Mobile: 7024102546

Email: maitreya.ghorpade@gmail.com

Date: 04.06.2026

Place: Mumbai

**BEFORE ME**

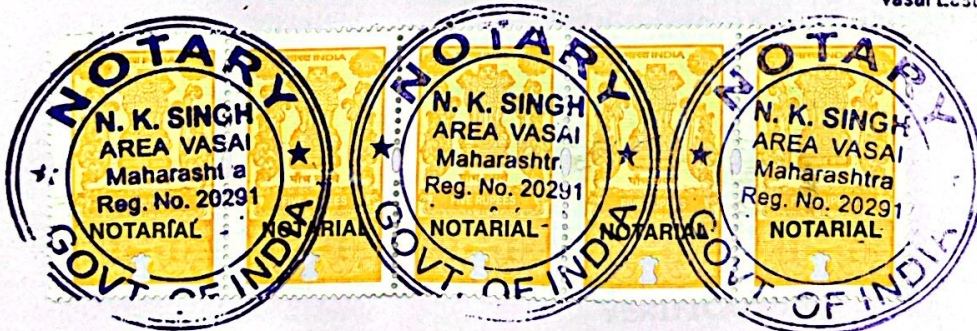
*N.K. Singh* 4/6/26

**N. K. SINGH**

B.Sc., LL.B.

ADVOCATE & NOTARY  
GOVERNMENT OF INDIA

A-302, Sun Nidhi Park, Behind Fire Brigade,  
Vasai East, Palghar, Maharashtra-401208



Reg. No.	II	
Sr. No.	98	Pg.No. 19
Date	4/6/2026	

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH AT PUNE  
ORIGINAL APPLICATION NO. 150 OF 2025 (WZ)**

**IN THE MATTER OF:**

Dr. Snehal Donde (Jalnayak)

...APPLICANT

VERSUS

State of Maharashtra &amp; Ors.

...RESPONDENTS

**AFFIDAVIT**

I, Dr. Snehal Donde, R/o 19C 603 Garden Hill Society, New MHADA colony, Film city Rd Goregaon (E), Mumbai, do hereby solemnly affirm and state on oath as under:

1. That I am the Applicant in the present Original Application and as such am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. That I have gone through the contents of the accompanying Rejoinder that has been drafted by my counsel according to my instructions and the contents of the same are true and correct to my knowledge.

*Donde*  
**DEPONENT**

**VERIFICATION**

Verified on this \_\_\_ day of June 2026 that the contents of the present Affidavit are true and correct to my knowledge and nothing material has been concealed.

**BEFORE ME**

*N. K. Singh*  
**N. K. SINGH**  
B.Sc., LL.B.  
ADVOCATE & NOTARY  
GOVERNMENT OF INDIA  
A-302, Sun Nidhi Park, Behind Fire Brigade,  
Vasai East, Palghar, Maharashtra-401209.

*Donde*  
**DEPONENT**

Reg. No. ....	.....
Sr. No. ....	Pg. No. 17
Date. ....	18/6/26