

THE HON"BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE PUNE, AT PUNE

Original Application 24 of 2023

Ajay Gulab Singh and Ors

...Applicants

Versus

The Secretary, Environment Department,

Government of India and Others

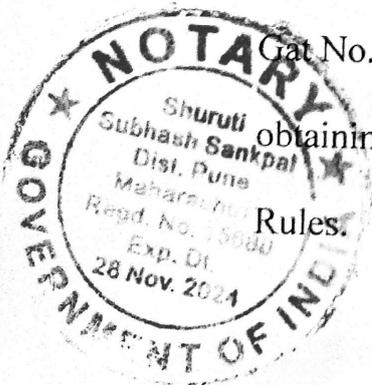
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Respondents

REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 8

On behalf of the Respondent No 8 the following Reply Affidavit is being submitted:

1. The Affidavit filed on the behalf of the R 3 MPCB on 21/07/2023 has clearly mentioned that, the Igatpuri Municipal Council is utilizing land at Gat No. 142 Golibar Maidan unauthorizedly for dumping garbage without obtaining authorization required under the Solid Waste Management Rules.



2. During the site visit by the MPCB dated 05/07/2023 it has been observed that huge heaps of waste are found unprocessed on site located at Golibar Maidan and there is about 700 MT to 800 MT unprocessed MSW is lying at Golibar Maidan.
3. As per the said Affidavit by R3 MPCB, the Igatpuri Municipal Council is directed to pay Rs. 40 Lakhs towards non-compliance of the Solid Waste Management Rules, 2016 and Rs 36 Lakhs towards not commencing the work of legacy waste sites remediation and Rs. 10 Lakhs per month for non-compliance of solid waste management till the compliance plus Rs. 1 Lakh per month for non-commence of legacy waste management till the compliance.
4. From the above it is clear that, the R6 the Igatpuri Municipal Council has acted in non-compliance of SWM Rules.
5. It is to be noted that, the issue related to MSW site at Gat No. 37, at post Awalkhed village which is out of the local body area, there is litigation pending before the High Court, Bombay and hence the issue related to granting any permission to utilize Gat No. 37, at post Awalkhed village as SWM site can be taken only by the High Court at Bombay. It is required to be taken note of that, the Applicants who were aware about the matter

pending before the High Court has deliberately prefer not to mention it before the Hon'ble NGT with ulterior motive.



6. The Gat No. 37, at post Awalkhed village site is unsuitable for any Municipal Solid Waste Management Facility as the proposed site is only 266 m away from the Aseema School. It is only 387 m away from Aseema School's well which the only source of drinking water is for the students as well as the staff. Not only this but, the proposed site at Awalkheda is only 70 m and 110 m away from the village wells which are the only source of drinking water for the villagers of Awalkhed, Jambhulwadi and surrounding Wadis. The said proposed Gat No. 37, at post Awalkhed village is just 10 m away from the Zoti river which leads to Vaitarna lake and the Gat No. 37 is a site with a slope of about 30 degrees gradient.

7. All the above objections including many other objections on the site Gat No. 37, at post Awalkhed village which is being proposed for SWM are already mentioned before the Hon'ble High Court and that the High Court will decide the same within due course.

8. It is also vital to note that, the proposed MSW facility at Gat No. 37, at post Awalkhed village will definitely create leachate which will result in contamination of the entire ground water table of the area and also

percolate in the river which flows to the Vaitarna Lake. The R8 is aware that, all these issues can be dealt with by the Hon'ble High Court but just for the sake of apprising the Hon'ble NGT the issues are being mentioned in this reply Affidavit as well.

9. Considering, the fact that, WP No. 4548/2010 is pending before the Hon'ble High Court on the subject matter relating to the garbage dumping site at Awalkhed and various issues like following the site selection criteria etc. will be considered by the Hon'ble High Court. The R8 has submitted the importance orders by the Hon'ble High Court in WP No. 4548/2010 and has also filed the copy of the said Writ Petition for the reference of the Hon'ble NGT.

10. On the above premise, on behalf of R8 this reply Affidavit is being filed to reiterate that, the O.A No. 24/2023 needs to be dismissed and the Applicant may be directed to approach the Hon'ble High Court Bombay for any of his grievance.

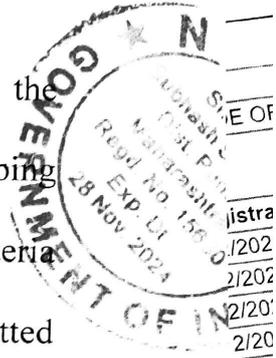
Date: 24/07/2023

Place: Pune

ASarode

Asim Sarode and Associates

Advocate for the Respondent No. 8



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AFFIDAVIT

1, **Dilbur Framroze Parakh**, Age: 65 years, Occupation: Chairperson do hereby solemnly affirm and state as follows.

I, the above-named Respondent No. 8's Chairperson, do hereby state on solemn affirmation that I am the Applicant in this Reply Affidavit and that I have carefully gone through the memo of this Reply Affidavit. I say that the contents of the memo of this Reply Affidavit are true to the best of my personal knowledge and the legal submissions made therein are true to the best of my personal belief which belief is based upon the legal instructions and advice given to me by my Advocates. The Reply Affidavit is personally checked by me and that they are true copies of the original documents, and I state on the affidavit accordingly.

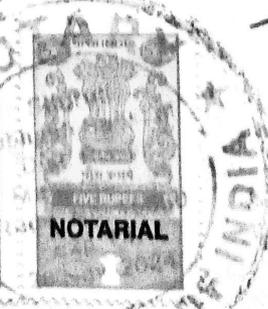
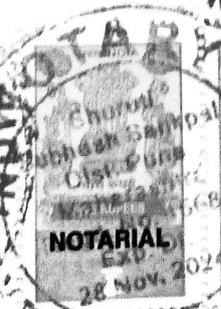
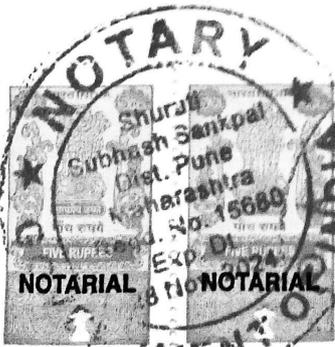
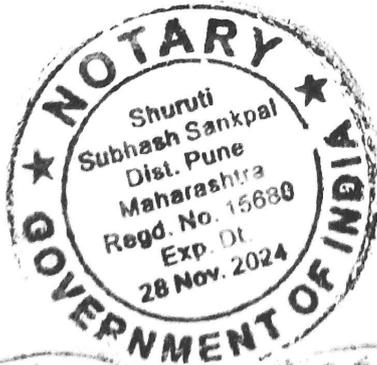
I say that, the paragraphs which are true to the best of my knowledge, the paragraphs which are true to the best of my belief, are shown, which belief is based upon the legal instruction and advice given to me by my Advocates are shown as 1 to 10 above.

Solemnly affirmed at Pune on 24th July 2023

D. F. Parakh

Affiant

CA Wale
I know the affiant



BEFORE ME

Shrutli Subhash Sankpal
Shrutli Subhash Sankpal
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

Noted & Registered
at Serial No. 1033/2023

Date. 24 JUL 2023