

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**(WESTERN ZONE) PUNE**

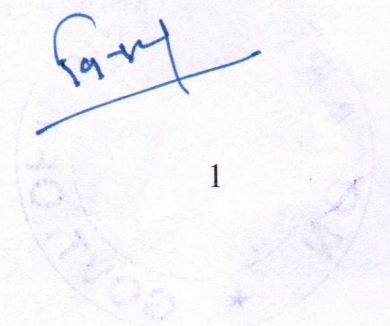
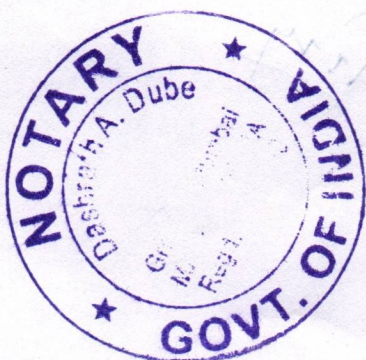
ORIGINAL APPLICATION NO : 131/2024

**[News item titled "Mumbai : Picture of Mahim Railway Station's Track showing Thick Layer of Garbage Sparks Criticism" appearing in the Free press Journal dated 10 /04/2024]**

**REPLY CUM AFFIDAVIT ON BEHALF OF THE**  
**RESPONDENT NO . 2**

In Response to the notice dated 20/05/24 issued by this Hon'ble Tribunal, the Respondent No.2 namely the Divisional Railway Manager, Western Railway most humbly submits;

That the Western line of the Mumbai Suburban Railway is a public transit system serving Mumbai Metropolitan Region, Maharashtra. It consists of 37 stations from Dahanu Road to Churchgate railway station. It is operated by Western Railways (WR).



The Hon'ble NGT, National Green Tribunal, Western Zone Bench, Pune was pleased to direct the Respondent No.3, i.e. Maharashtra State Pollution Control Board to submit clear report, as to whether the entire debris has been cleared or not and what action has been taken in terms of levying EDC from the respondent No.2, by filing an additional affidavit within four weeks. The Tribunal has also raised a query to the Maharashtra Pollution Control Board (MPCB) as to whether railway stations fall under consent regime, if yes, under what category?

Be that as it may following is the action taken by the Answering Respondent in compliance to the order dated 20/05/24

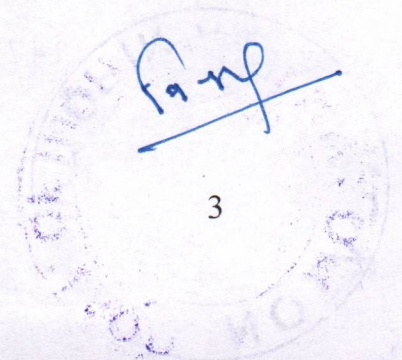
A. Sub Regional Officer Mumbai-I from Maharashtra Pollution Control Board (MPCB) advised through email dt. 12/06/24 to EnHM (Environment and Housekeeping Management) Wing Mumbai Central Division.



Western Railway regarding Original Application the suo-motu cognizance taken by the Principal bench on the basis of the news item titled "Mumbai: Picture of Mahim Railway Station's Track Showing Thick Layer Of Garbage Sparks Criticism; Netizens Question Authorities over Cleanliness" appearing in The Free Press Journal dated 10.04.2024.

Further it was intimated to submit detailed visit report along with ATR to P&L Division for preparation of draft affidavit in the aforesaid matter.

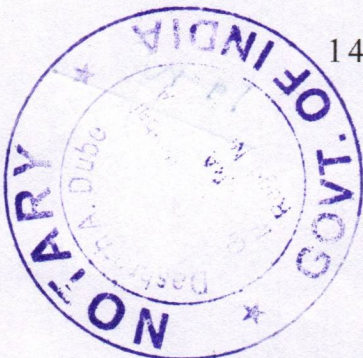
B. Further on 21.06.24 an Email was received from Regional Officer, Mumbai Maharashtra Pollution Control Board (MPCB) addressed to Mahim Junction to present for hearing on 25.06.24 at 11:30 Hrs along with Action Taken Report.



C. In response to above email, Divisional Environment & Housekeeping Manager (DEnHM)/ Mumbai Central, Assistant Divisional Engineer (T/S))-PL & Inspector Railway Protection Force-DDR visited to Maharashtra Pollution Control Board (MPCB) office. During discussion, Maharashtra Pollution Control Board (MPCB) advised to submit the details in the next hearing fixed on 27.06.24 at 16.00 hrs. at Maharashtra Pollution Control Board (MPCB) office Sion.

On such date as per the advice of the MPCB following details were submitted;

- i. For prevention of trespass and to stop garbage/nuisance a penalty of Rs.59200/- under Section 147,145(b) for a total of 142 cases in the year 2023 was imposed. Similarly a penalty of Rs.11200/- for 28 Nos. of cases till 24.06.24 under section 147, 145(b) of Railways Act 1989.



ii. Conducted awareness program in Mahim East Slum Area in which people were made aware to not throw garbage in Railway tracks. The awareness campaigns were conducted on dated 23.01.24, 20.02.24, 21.03.24, 20.05.24 & 25.06.24, of which photos were submitted to the MPCB.

iii. Soft encroachments from Mahim Station East Yard were removed on dated 27/01/24, 12/02/24 & 14/06/24.

iv. The 50 m area on both side of the platform and the adjacent drains along with the tracks have been cleared by deputing housekeeping staff at Mahim Station.

v. For cleaning the garbage JCB is deployed and afterwards the rest is cleaned manually. The collected garbage is disposed via muck special. Time to time cleaning was done in July- 23, Aug- 23, Nov-23, Feb-24, Apr-24 & June-24.

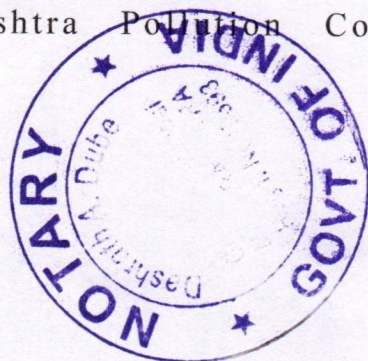


*Handwritten signature*

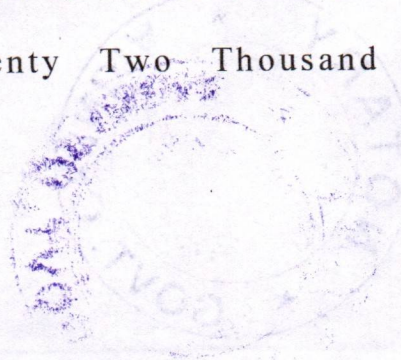
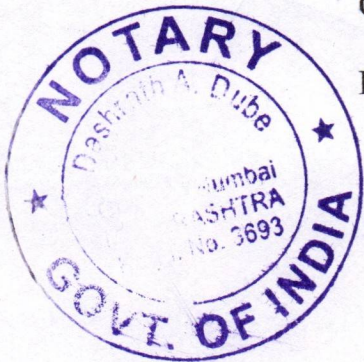
Further it was also submitted that-

- a. The issue of Garbage thrown on tracks is continuously faced in Mahim South & North Yard and Mahim Stabling yard railway lines.
- b. As there are hutments nearby track the residents are throwing the domestic waste in railway tracks. The drainage in yard is also blocked.
- c. Also, it was suggested that, "As throwing of garbage is regular hence, ward officer H/E BMC ward may arrange for the deployment of dustbins, cleaning/lifting of garbage time to time and also may provide sufficient toilets in this location.
- vii. Station Superintendent/Mahim Submitted that there is encroachment in Stabling Yard as well as surrounding area. Slum area garbage is being thrown in stabling line. Slum dwellers throw garbage near the track.

On 11.11.24 Regional Officer Mumbai  
Maharashtra Pollution Control Board (MPCB)



advised through letter addressed to Station Superintendent/Mahim and email to Environment and Housekeeping Management (EnHM) wing Mumbai Central Division, Western Railway with subject "To levy Environment Compensation". In the refereed letter, Maharashtra Pollution Control Board (MPCB) communicated that Hon'ble Court NGT Pune (dated 23.09.24) has directed to Maharashtra Pollution Control Board (MPCB) to submit a clear report whether entire debris has been cleared or not and what action has been taken in terms of levying EDC from the Mumbai Division of WR. In compliance of above, on date 11/10/24 – Maharashtra Pollution Control Board (MPCB) officials visited site & reported that till date Western Railway have not removed the garbage from Railway siding yard, near Mahim Railway Station". The calculation of Environmental Compensation (EC) in RS.1,59,22,550/- (One Crore Fifty Nine Lacs Twenty Two Thousand Five



*[Handwritten signature]*

Hundred Fifty Only) considering 698 number of hutments. No. of Persons staying per hutments were considered as 4 and waste generation per person for metropolitan city was considered as 0.6 kg.

viii. Before assessing Environment Compensation, Maharashtra Pollution Control Board (MPCB) has given an opportunity of personal Hearing on 25/11/24. Railway representative attended the hearing at Maharashtra Pollution Control Board (MPCB) office, Sion and submitted the details of,

- a. Garbage collection summary & Action taken to remove garbage.
- b. Lifting of garbage by JCB on date 10.11.2024 in Jumbo Block KM 12/8-11 Mahim-Bandra Down Harbour-STA line.
- c. Lifting of garbage by JCB on date 14/15.11.2024 at Mahim South yard KM 14/10-14.



19-11

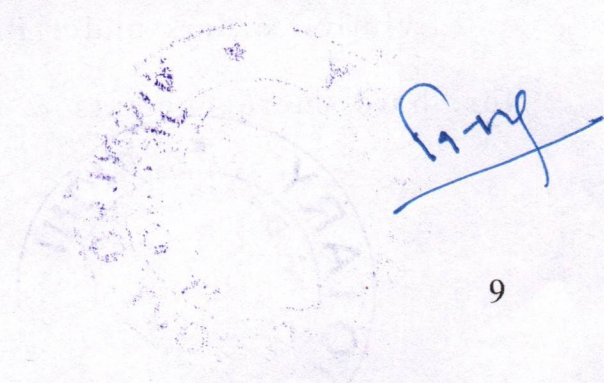
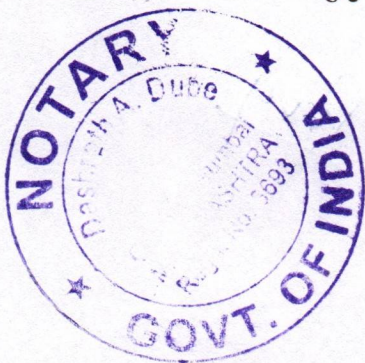
d. Lifting of garbage by JCB on date 14/15.11.2024 at Mahim South yard Down Harbour KM 12/8-10.

viii. SSE (P.Way) ADH vide letter dated 25/06/24, 12/03/24, 23/08/23 & 24/07/23 etc., addressed to Dy. Chief Engineer (O&M), Dadar (W) informed that,

a. The UP Harbour track between Rly Km 14/12-15/1 and Mahim (North Yard) KM 13/05-11 and Bandra North Km 14/20-15/1, BA(S) Km 14/6-14, is seen covered by polythene bags, gunny bags, broken ply, broken cement sheets etc.

b. The foreign material endangers safety of running trains. As there is no dustbins provided for collecting waste there is 24 hrs. throwing of waste on tracks.

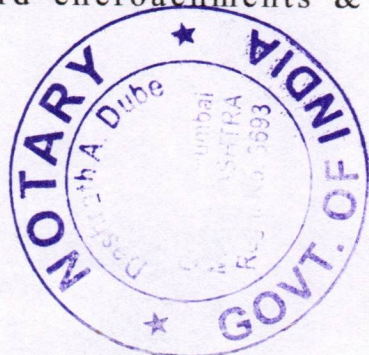
c. The trains operate for nearly 21 hrs. daily hence cannot be guarded and safety of track cannot be ensured.



- d. The frequent cleaning of track has led to loss of many man-days working in unhygienic conditions.
- e. The previous cleaning done in Mahim/Bandra yard in July- 23, Aug-23, Nov-23, Feb-24, Apr-24 & June-24.
- f. It was also requested to deploy adequate dustbins and lifting of garbage and also one time get cleaned the premises so that running of trains is safe.
- g. Total 698 Nos. hutment encroachments are there in 10794.178 Sqm. area on Railway land at Mahim Railway station jurisdiction at Mahim GP No. 13/3 to 13/5 and Mahim Azad Nagar GP No. 12/9c to 12/14.

Action taken to remove encroachment from  
Railway land:

- a. Eviction orders under PPE are issued for 300 Nos. hard encroachments & case is under process



for 246 hard encroachments under Mahim Railway station jurisdiction.

b. 40 unauthorized encroachments were demolished in Mahim Railway station jurisdiction.

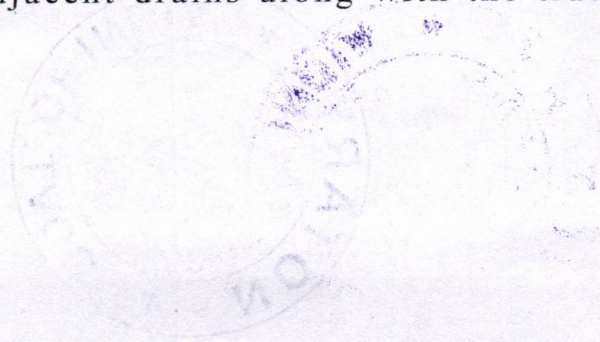
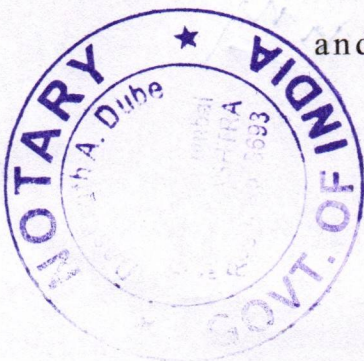
c. For prevention of trespass and to stop garbage/nuisance a penalty of Rs. 59200/- under Section 147,145(b) of the Railway Act 1989 for a total of 142 cases in the year 2023 was imposed.

d. Similarly a penalty of Rs. 94400/- for 236 Nos. of cases till 25.11.24 under section 147, 145(b) of Railways Act, 1989.

e. In this year, Respondent No. 2 conducted 32 Nos. awareness programs in Mahim East Slum Area in which people were made aware not to throw garbage in Railway tracks.

f. Soft encroachments from Mahim Station East Yard was removed on dated 27.01.24, 12.02.24 & 14.06.24

g. The 50 m area on both side of the platform and the adjacent drains along with the tracks have



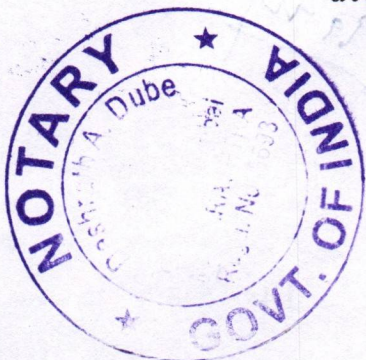
19-12



A. committee headed by ADEN/(TS)/PL (Assistant Divisional Engineer Track South/Parel) and comprising of SSE/P.Way/ADH (Senior Section Engineer/Permanent Way/Andheri), CMI/GTR (Commercial Management Inspector/Grant Road, IPF/DDR (Inspector Railway Protection Force Dadar) & SSE/EnHM (Senior Section Engineer/Environment and Housekeeping Management)/ Mumbai Central has been formed to Monitor and report on weekly basis that garbage is cleaned and disposed-off scientifically as per short term and long term action plan.

The details submitted by ADEN/(TS)/PL (Assistant Divisional Engineer Track South/Parel) are as follows:

- i. Details of Cleaning done in various months by deployment of JCB and Muck Special is attached.



A handwritten signature in blue ink, appearing to be 'Raj' or similar, written over a horizontal line.

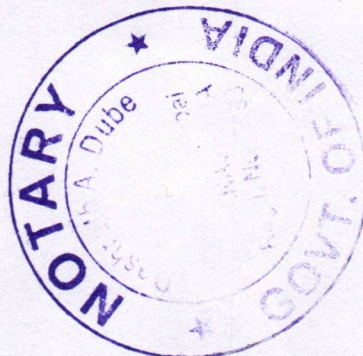
- ii. Details of Manual Cleaning done between the period 03.10.24 to 03.12.24 with deployment of total 330 nos. staff is attached.
- iii. Pre and Post Cleaning photographs are attached.

**Short Term Measures:**

A. Weekly Schedule of Cleaning of different areas is attached.

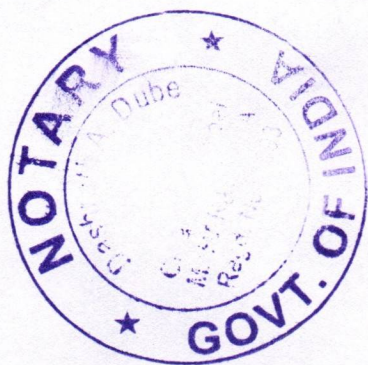
B. As the garbage is developed by slum dwellers, hence BMC is approached for lifting the garbage, provision of dustbin & collection of garbage from Railway Land and processing for scientific disposal. Municipal Corporation of Greater Mumbai (MCGM) is advised vide Letter. no. W.632/2/1/ADH dated 03.12.2024 to lift the accumulated garbage.

**Long Term Measures:**



- A. Adequate CCTV installations will be done to keep vigil over the encroachers involved in unlawful/nuisance including dumping/throwing of garbage.
- B. Erection of long height barricading is proposed to prevent/stop the inflow of garbage on Railway land. Length of barricading is about 1 km & proposed height is more than 8 meters.
- C. As a long term measures round the clock cleaning of dry and wet garbage will be done through a JCB dumpers and cleaning of debris etc. will be done manually. For the same a new contract work will be proposed to clean the railway track near encroached area.

The Answering Respondent submits that it is leaving no stone unturned to comply the orders passed by the Tribunal. However, the biggest hurdle is un-



*[Handwritten signature]*

awareness, ignorance amongst the Residents residing in the unauthorized hutments created on both the sides of the track, regarding the wet, and dry garbage which they throw on the railway tracks. The Answering Respondent is taking the various steps stated supra to improve the situation. However, it is a lengthy and regular process which is of course time consuming.

Hence this affidavit.

MUMBAI :

DATED : 10.12.2024



SIGNATOR

वरिष्ठ मंडल यांत्रिक अभियन्ता (समन्वय)  
पश्चिम रेलवे, मुंबई सेंट्रल

Senior Divisional Mechanical Engineer (Co.)  
Western Railway, Mumbai Central

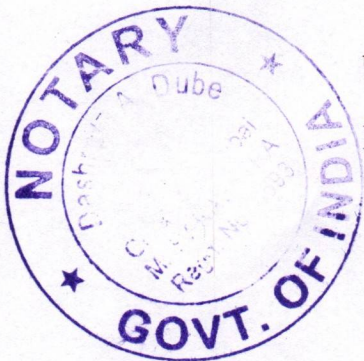


SOLEMN AFFIRMATION

I, Vinod Kumar, S/o Shri. Deoraj Verma,  
Aged about 50 yrs, Occu : Service,  
R/o Flat No.J/108, Railway Officers Colony,  
Badhwar Park, Wodehouse Road, Colaba, Mumbai  
- 400005, 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  
Respondent No.2 herein. I am conversant with the  
facts of the present case and therefore able to  
depose the same.

I say that the Counsel as per my instructions  
has drafted the above Reply. I have gone through  
the contents of the above said Reply and  
understood the same. I say that the contents of the  
Reply are true to my knowledge and as per the



records of the Organisation which I believe to be true. As far as the legal submissions herein are concerned the same are correct as advised by my counsel. The contents of the Reply are explained to me in vernacular which I found to be correct. Hence, signed and verified at Mumbai on this 10 day of DEC , 2024.

I know & identify the Deponent

*Atul J Pathak*

(Atul J Pathak)  
Advocate

*[Signature]*  
Deponent **वरिष्ठ मंडल यांत्रिक अभियन्ता (समन्वय)**  
**पश्चिम रेलवे, मुंबई सेंट्रल**

Senior Divisional Mechanical Engineer (Co)  
Western Railway, Mumbai Central

**Before me**

*[Signature]*

**D. A. Dube**  
Advocate & Notary Govt. of India  
Dube Cottage, Dube & Panchal Estate,  
Kurar, Malad (E), Mumbai - 97.  
Mob.: 9819167500

10.12.2024

Noted Regd. Sr. No. A 52 of 2024  
Dated: 10.12.2024

*Advocate No 417/18133815*



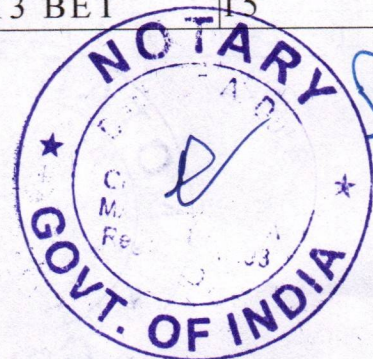
**ANNEXURE-I**

The time to time cleaning of garbage and debris is done by deployment of JCB and muck special is as follows.

Sr. No.	Cleaning Month
1	July-2023
2	Aug-2023
3	Nov-2023
4	Feb-2024
5	April-2024
6	June-2024
7	Nov-2024

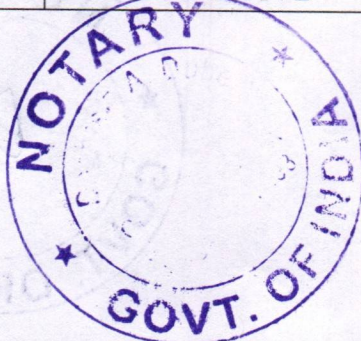
In spite of this manual cleaning of tracks is done as per the available agency work

LOCATIONS OF GARBAGE LIFTING MANUALLY DONE Oct-24			
SR NO	DATE	LOCATION	STAFF DEPLOYED
1	03.10.24	KM 12/10-12 BET STA/ DNHBR	16
2	07.10.24	KM 12/08 -12 BET STA/ DNHBR	12
3	11.10.24	KM 12/15-12 BET HBR LINES	14
4	14.10.24	KM 12/11-13 BET STABLING YARD	15
5	18.10.24	KM 12/14-13 BET	15



		STABLING YARD	
6	22.10.24	KM 13/05-07 UPHBR EAST SIDE	14
7	28.10.24	KM 13/06-07 UPHBR EAST SIDE	13

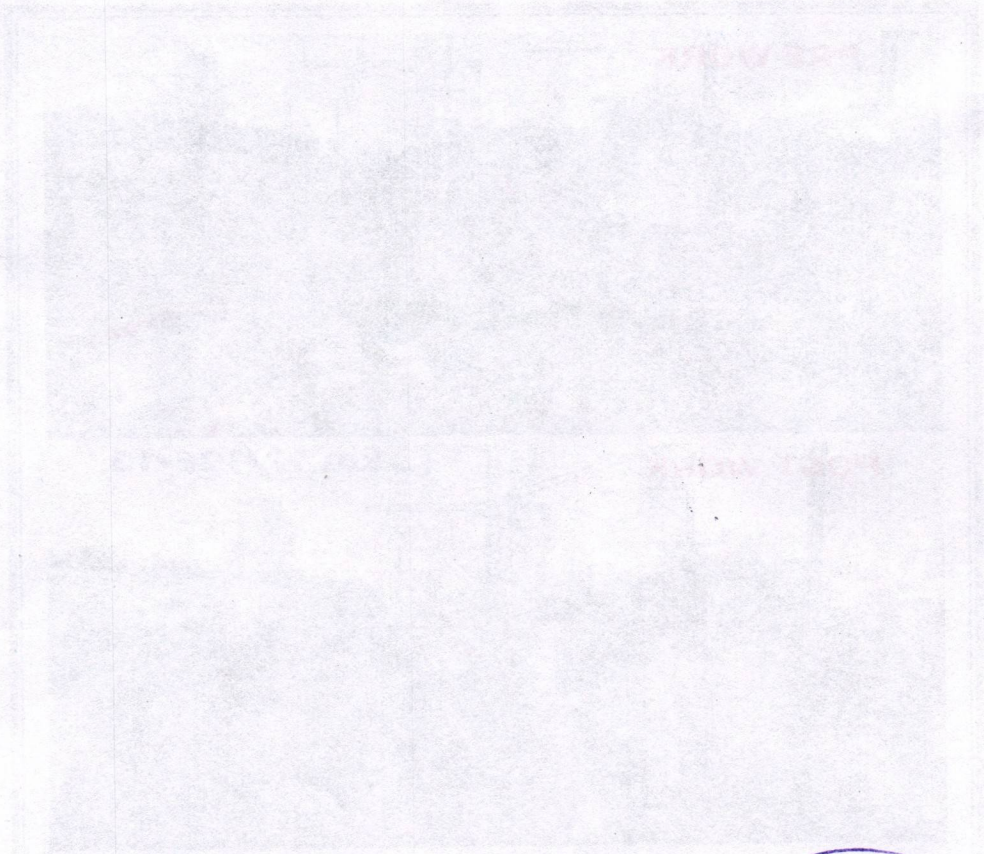
LOCATIONS OF GARBAGE CLEANING MANUALLY DONE - Nov/Dec-24			
SR NO	DATE	LOCATION	STAFF DEPLOYED
1	05.11.24	KM 12/08-12 BET STA/ DNHBR	10
2	08.11.24	KM 12/11 -12 BET STA/ DNHBR	11
3	04.11.24	KM 12/15-13 BET HBR LINES	14
4	14.11.24	KM 12/12-13 BET STABLING YARD	10
5	20.11.24	KM 12/14-13 BET STABLING YARD	12
6	25.11.24	KM 13/05-07 UPHBR EAST SIDE	13
7	26.11.24	KM 12/12-13 DNHBR WEST	15
8	26.11.24	KM 11/M154 - 12/14 DNHBR & UPHBR MM YARD	39
9	28-11-24	KM 12/9B-12/F	13
10	29.11.24	KM 12/14-13 BET STABLING YARD	14
11	30-11-24	KM 12/15 - 13/2	18
12	1-12-24	KM 12/14-13/2	20



*Handwritten signature*

13	2-12-24	KM 12/10-14	22
14	3-12-24	KM 12/8-12	20

*Handwritten signature*



ANNEXURE-II

GARBAGE CLEANING WORK MM SOUTH  
UP/DNHBR

Date:- 10/11/2024 to 28/11/2024

GARBAGE CLEANING WORK MM SOUTH  
UP/DNHBR KM 12/12E-13



*Handwritten signature in blue ink.*

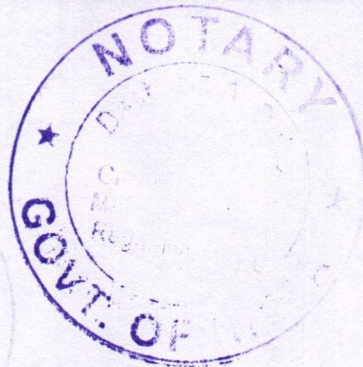
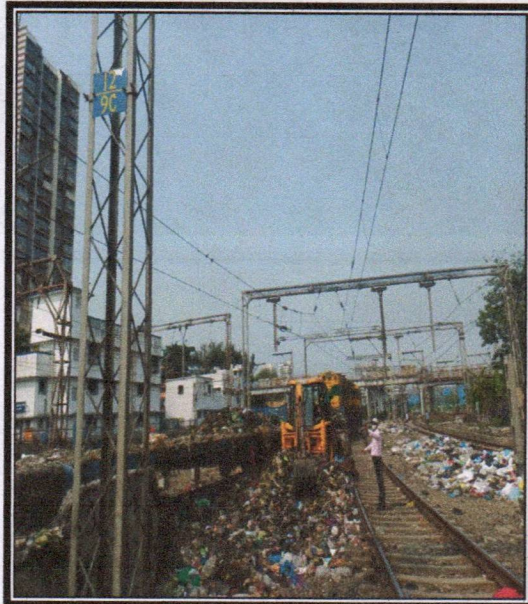
GARBAGE CLEANING WORK MM SOUTH  
UP/DNHBR KM 12/11-12



*Handwritten signature*

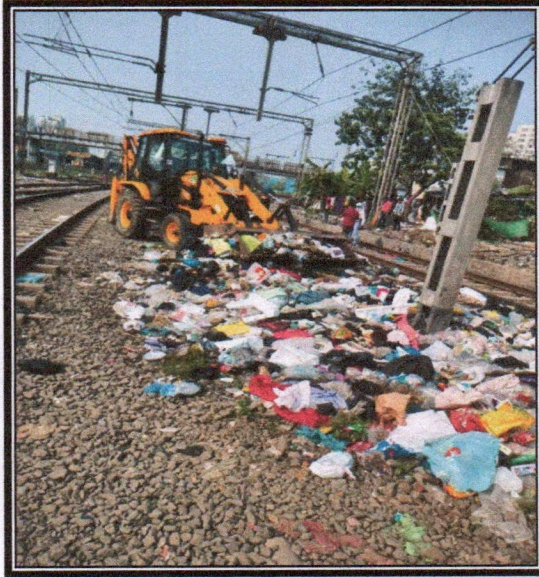


Lifting of garbage by JCB on date 10-11-2024 in Jumbo Block KM 12/8-11 MM-BA DNHBR - STA



*Handwritten signature in blue ink.*

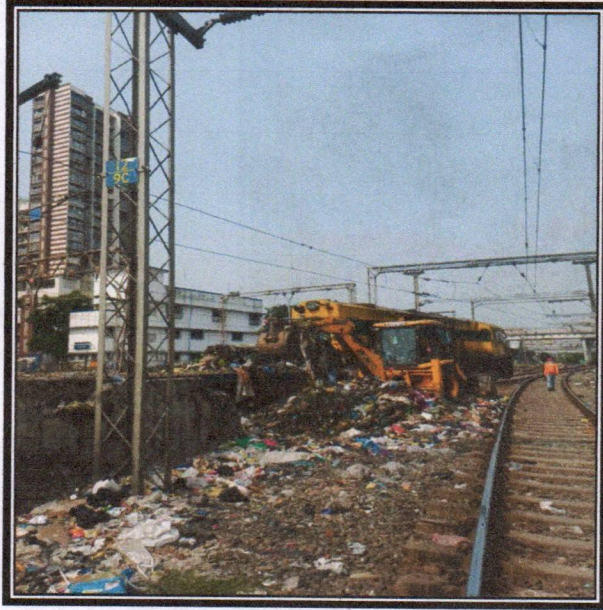
Lifting of garbage by JCB on date 10-11-2024 in Jumbo Block KM 12/8-11 MM-BA DNHBR - STA



*Rany*



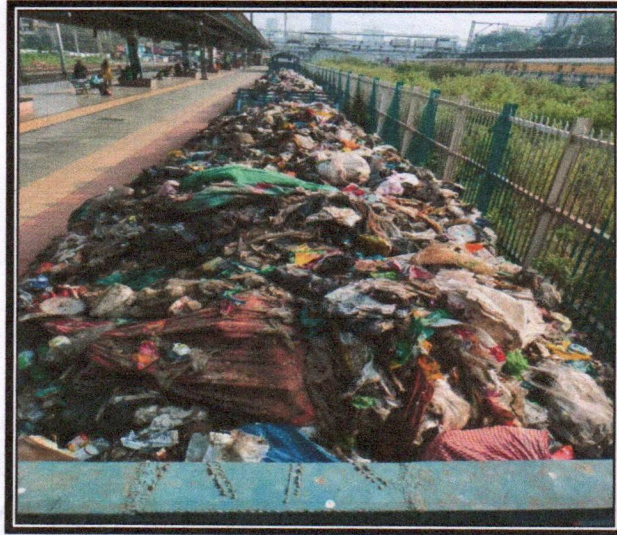
Lifting of garbage by JCB on date 10-11-2024 in Jumbo Block KM 12/8-11 MM-BA DNHBR - STA



*Handwritten signature*



Lifting of garbage by JCB on date 10-11-2024 in Jumbo Block KM 12/8-11 MM-BA DNHBR - STA



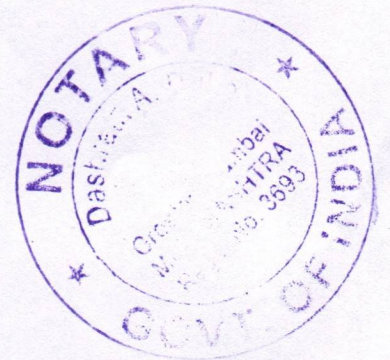
*Party*



Lifting of garbage by JCB on date 10-11-2024 in Jumbo Block KM 12/8-11 MM-BA DNHBR - ST



*Party*



WESTERN RAILWAY

Office of Asst. Div. Engg.  
(Track/South) Lower Parel  
Date :- 27/11/2024

To,  
Sr. DME(Co)/MMCT

**SUB :- ACTION PLAN FOR LIFTING GARBAGE**

**LOCATION :- MM SOUTH YARD ( Weekly schedule )**

Please see the action plan for lifting the garbage thrown on the track by the residents of nearby slums. Garbage throwing is a continuous process, hence the proposal is being submitted to control the pollution. The collected garbage will be dumped in a segregated pattern for which MCGM should allocate a place nearby and keep separate dustbins for wet, dry and plastic waste, where scientific disposal is possible.

S.N.	GP	Location	AREA	NATURE OF WORK	Deployment of labours	REMARKS
1	11/ M 154 - 12/11 B	Bet UP & DNHBR	7000 Sqm	Garbage collection work	15	Garbage filling in bags & dump in dustbins which is provided by MCGM
2	12-11-12	Adjoining railway land	7000 Sqm	Garbage collection work	15	
3	11/ M 154 - 12/11 B	Bet DNHBR & STA	7000 Sqm	Garbage collection work	15	
4	12/11 B - 14	Adjoining railway land	7000 Sqm	Garbage collection work	15	
6				Garbage disposal work	15	

This cleaning proposal of MM YARD will be done by Railway.

*Aden T/S PL*  
ADEN (T/S) PL

C/- SR DEN (Co) MMCT

*19/11/24*

