

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (WZ)
O.A. No. 125/2023
Earlier L.P.No 16/2023 (WZ)

Praful N. Mahajan

..... Applicant

Vs.

Chief Officer, Achalpur Municipal Council & Ors Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 2 i.e.
MAHARASHTRA POLLUTION CONTROL BOARD –**

I, Sanjay Deorao Patil, being the Regional Officer of the Respondent No. 2, The Maharashtra Pollution Control Board, having my office at Sahkar Surbhi Bapat Wadi, Near Vivekanand Colony, Amravati, do hereby solemnly affirm and state as under:

1. I say that I am the Regional Officer of Respondent No.2, Maharashtra Pollution Control Board, and am authorised to affirm the present reply to affidavit on its behalf. I have examined the relevant records available in my office in respect of the above matter and am affirming the present Reply Affidavit based on the same.
2. I say that I am filing the reply pursuant to the order passed by this Hon'ble Tribunal dated 7/8/2024 . I say that I am filing this affidavit in reply to the Objection filed by Respondent No. 1 on 06/08/2024 to the Report of the Joint Committee constituted by this Hon'ble Tribunal vide its order dated 09/10/2023.
3. I say that in Action Taken Report dated 22/08/2023, it was stated that Respondent No.1 is generating solid waste of 34 MT /day and having solid waste treatment and disposal site located at



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Survey No. 83/3, 117, Mauje Raipura, Taluka Achalpur, District Amravati. I say that it was also stated in the report that at the time of the visit made on 16/09/2020 on the basis of the earlier complaint filed by the complainant that , show cause notice dated 28/01/2021 was issued to Respondent No. 1 for providing inadequate biomining of the legacy waste to the tune of 20,092 MT and also for non-provision of the sanitary land fill site for the solid waste management . The said action taken report is annexed at page No. 3-15 of the Paper book.

4. I say that vide order dated 09/10/2023, this Hon'ble Tribunal constituted a joint committee comprising one member each of the Chief Officer, Municipal Council, Achalpur, Member Secretary MPCB & District Collector , Amravati. I say that in the same order, the committee was directed to ascertain the amount of Environmental Compensation to be levied on Respondent No.1 i.e Achalpur Municipal Council.
5. I say that the Report of the Joint Committee constituted in compliance of the order passed on 09/10/2023 was filed on 28/11/2023 which is at Page No. 16-70 of the Paper book. I say that upon mere perusal of the said report, there are no effective and adequate steps taken by the Res no.1 Council . I say that the compliance of the Solid Waste Management Rules 2016 requires taking of several steps mentioned in Rule 22 from Sr. No. 1-10 and it is clearly reflected in Order dated 24/1/2020 passed in O.A No. 606/2018 passed by the Hon'ble PB , NGT in compliance of Solid Waste Management Rules , 2016 , in paragraph no. 37 (In respect of State of Maharashtra). I say that the order dated 24/1/2020 related to State of Maharashtra in O.A


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No. 606/2018 is annexed at **Annexure- III** , page no. 32 of the paper book.

6. I say that Respondent No.1 filed its objection dated 08/08/2024 against the Joint Committee Report dated 28/11/2023 . I say that the first contention raised by Respondent No.1 is that the State Government has been imposed with a fine of Rs. 12,000 Crores for un-remediated legacy waste and therefore Respondent No. 1 shall not be liable for any compensation. I say that the said order dated 08/09/2022 is annexed at Annexure R-29 to the Reply filed by Respondent No.1. I say that the contention raised by Respondent No.1 that the Respondent No.1 shall not be held liable for any compensation is not correct and bad in law as Respondent No.1 is still in violation as far as the management of the un-remediated legacy waste is concerned as is mentioned under the directions passed in O.A No. 606/2018 dated 24/1/2020 (In respect of State of Maharashtra). I say that the Principal Bench in O.A No. 608/2018 while imposing Rs. 12,000/- crores compensation amount on State of Maharashtra vide order dated 8/9/2022 specifically observed with regards to Solid Waste Management that if the violations continue, liability to pay additional compensation may have to be considered and compliance will be the responsibility of the Chief Secretary, Govt of Maharashtra.
7. I say that the order dated 8/9/2022 in O.A No. 606/2018 was challenged by the State of Maharashtra before the Hon'ble Supreme Court in Civil Appeal (Diary) No. 44889/2023 and vide order dated 28/11/2023 , the Hon'ble SC was pleased to stay the direction issued by this Hon'ble Tribunal requiring the State



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of Maharashtra to deposit the amount of Rs.12,000/- crores as compensation in a separate ringed fenced account . I say that the said order dated 28/11/2023 is annexed at Annexure R-30 to the paper book.

8. I say that this Hon'ble Tribunal in one O.A No. 75/2021 (WZ) The Cliff Garden Condominium B & C & Ors Vs Gram Panchayat Mann & Ors on 22/02/2023 specifically held that MPCB shall calculate the Environmental Compensation based on the principles laid down by the Hon'ble Principal Bench of this Tribunal in OA 606/2018 against the Gram Panchayat Maan. I say that this Hon'ble Tribunal has passed the above order dated 22/02/2023 subsequent to the order of the Hon'ble Principal Bench imposing Rs. 12,000 Crores on the State of Maharashtra. I say that the said order is self-explanatory, is annexed, and marked hereto as **Annexure I** . I say that against this order dated 22/02/2023, Gram Panchayat Maan filed Civil Appeal No. 1885/2024 before the Hon'ble Supreme Court. I say that even though the issue of Environmental Compensation for un-remediated legacy waste accumulated with the State of Maharashtra is sub judice before the Hon'ble Supreme Court , the Hon'ble Supreme Court on 30/08/2024, while dismissing the above mentioned Civil Appeal No. 1885/2024 , specifically held that the direction given in paragraph No. 18(i) of the impugned judgement of this Hon'ble Tribunal dated 22/02/2023 as regards the payment of Environmental Compensation shall be implemented within a period of six months from 30/08/2024. The said order of the Hon'ble Supreme Court dated 30/08/2024 is hereto annexed and marked as **Annexure II**.



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9. I say that the second contention raised by Respondent No.1 is that they do not need sanitary landfill site as on date and therefore the compensation as levied is bad in law. I say that the earlier Authorization dated 22/07/2003, which is at page No. 23 of the Paper book, there were terms and conditions mentioned under Annexure I. I say that one of the conditions was to provide sanitary landfill site for disposing construction debris/ non-biodegradable inert waste. I say that Respondent No.1 has failed to provide sanitary landfill site since inception. I say that under Rule 3 (26) of the SWM Rules 2016, under definition of 'inerts', it means wastes which are not biodegradable, recyclable or combustible street sweepings or dust and silt removed from surface drains.' I say that it is Respondent No.1's contention that the residual solid waste and inert waste would be generated if and only if the local body is processing the MSW by using machinery. I say that this contention is wrong because inert material gets generated during the operation of material recovery facility itself and it has to be disposed of scientifically at sanitary land fill site as it is a final and safe disposal .

10. I say that since the existing area of the site is 1.16 Hectare which is inadequate, Respondent No.1 has proposed a new site for establishment of the processing site for Solid Waste Management. I say that the DPR for the same is annexed by Respondent No.1 along with their objection filed to JCR at Annexure R-13 at page No. 252 of the Paper book, relevant Page No. is 264, wherein under the head (point No.3) 'Waste Quantification', it is specifically admitted by Respondent No.1 that in the year 2023, population was 1,42,027 and inerts and



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other waste amounted to 10% i.e. 6.476 MT/day of the total waste generated. This is a clear admission on their part that there is a need of Sanitary Landfill Site as conditioned under the Authorization of 22/07/2003. I say that in Respondent No.1's detailed project report for Integrated Solid Waste Management at point No. 3.2.9, at page No. 301 under the head ' Disposal Site', it is stated that, " currently the Municipal Council faces a significant challenge in managing disposal of inerts and rejects, due to the absence of a dedicated Landfill Facility. It is a clear admission on part of Respondent No.1 and it is in complete contradiction to what Respondent No.1 is saying in their reply to the JCR that there is no need of SLF as on date. I say that the Res No. 1 has not renewed the Authorisation since the validity of the last Authorisation dated 22/07/2003. The Authorisation was valid till 31/12/2003. I say that as per Rule 15 (y) of the MSW Rules , 2016 , every local body has to apply for the Authorisation for setting up waste processing , treatment or disposal facility and if the volume of waste is exceeding 5 Metric Tons per day including sanitary landfills from the State Pollution Control Board . I say that the current waste generation of the Res No. 1 is 34 MT/Per day.

11. In view of the above facts and circumstances, the Environmental Compensation which was assessed till 31/10/2023 is already on record and since the further compensation was not on record from 01/11/2023 till 31/10/2024, it is assessed as Rs.24,00,000/-. Annexed and marked **Annexure III** is the calculation sheet of the further Environmental Compensation assessed. Therefore, the total Environmental Compensation is Rs. 86,00,000/- (As per the directions passed in O.A No.

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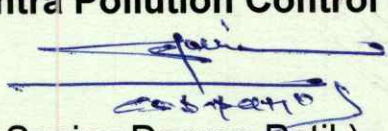
606/2018 and the same is assessed from 01/04/2020 till 31/10/2023) + 24,00,000/- (from 01/11/2023 till 31/10/2024) = 1,10,00,000/- (Rs. One Crore Ten Lacs).

I say that the Joint Committee in its report dated 28/11/2023 has observed that there was a legacy waste accumulated at the site was 42,000 MT .I say that as per the latest visit by the Board officials along with the Engineer of the Res. No. 1 Council to the site on 7/11/2024 , it was observed that the agency of the Res. No. 1 has carried out the biomining of the legacy waste to tune of 20,500 MT and at present the accumulated legacy waste on site is 21,500 MT lying unprocessed. Hereto annexed and marked **Annexure IV** is the latest visit report dated 7/11/2024. I say that the Environmental Compensation is assessed for non-provision of Sanitary Landfill and non-completion of bioremediation of the Legacy Waste as per the time frame mentioned for implementation of the Solid Wastes Rules , 2016 and also the timeline mentioned in the order dated 24/1/2020 passed in O.A No. 606/2018 in respect of State of Maharashtra.

12. In view of the above facts and circumstances, this Hon'ble Tribunal may kindly decide the issue of imposing the Environmental Compensation on Respondent No.1.

Solemnly affirmed ^{19th} day of November 2024.

For and on behalf of
Maharashtra Pollution Control Board


(Sanjay Deorao Patil)
Regional Officer, Amravati.


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VERIFICATION

I, the deponent above-named do solemnly affirm that all that is stated in this Affidavit is True to the best of my knowledge and belief, which is based on the records available in respect of the issue involved in the above-captioned O.A. Nothing false has been stated herein.

Date - 19/11/2024

Place - Amravati.

Respondent No. 2

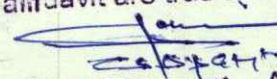
Mr. Sanjay Deorao Patil
Regional Officer, Amravati.


Maharashtra Pollution Control Board



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I do swear in the name
solemnly affirm
that, This is my name and signature
(or mark) and that the Contents of this
my affidavit are true and correct.


Signature of deponent


After Attestation




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NOTARY ADVOCATE
Amravati (M.S.) India
Regd. No. 15679

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Item No. 7

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 75/2021(WZ)

The Cliff Garden Condominium B & C & Ors.

.....Applicant(s)

Versus

Gram Panchayat, Maan & Ors.

....Respondent(s)

Date of hearing: 22.02.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Saurabh Kulkarni, Advocate
Respondent(s) : Ms. Sidhi Mirghe, Advocate for R-1/Gram Panchayat
Mrs. Swati Vaidya Pandit, Advocate for R-3/Collector, Pune
Mr. Aniruddha Kulkarni, Advocate for R-4/CPCB &
R-5/Env. Department
Ms. Manasi Joshi, Advocate for R-6/MPCB
Ms. Shyamali Gadre, Advocate for R-7/MIDC
Mr. Sameer Khale, Advocate for R-8/PMRDA
Mr. Rahul Garg, Advocate for R-10/MoEF&CC

ORDER

1. The present application has been filed with the prayer that the Respondent No. 1/Gram Panchayat, Maan be restrained from dumping the garbage, waste material, sewage and sludge waste or any other polluting material adjacent to the Applicants residential project.

2. The brief facts of this case are that the Applicants are the association of the apartment holders, who have purchased the flats in the project known as "The Cliff Garden" constructed by the Promoter VH Township Pvt. Ltd., which was floated on a part portion of Plot No. R 2/1 & R 2/2 admeasuring 1,84,432 Sq. Mtrs, situated at Rajiv Gandhi Info Tech Park, Phase III, Village: Maan, Tal.: Mulshi, District- Pune. The

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Respondent No. 1/Gram Panchayat, Maan has started dumping the raw and unsegregated garbage and raw untreated sewage waste along the boundary of the said project. Hence, above prayers have been made.

3. The matter was first considered by the Predecessor Bench on 10.03.2022 and a Joint Committee was constituted comprising Secretary, Rural Development, Director Panchayat, Director Environment, State PCB and Collector, Pune to ascertain the facts and submit a report.

4. Pursuant to the same, the Joint Committee report was submitted on 16.11.2022, which is reproduced here-in below for the sake of convenience:-

1.	<i>Shri. Sanjay Dhamal, Assistant block Development Officer, Panchyat Samiti Mulshi, Zilla Prishad on behalf of Project Director, Jal jeevan Mission, Pune (deputed as representative of Rural Development Secretary, Government of Maharashtra (GoM)</i>	<i>Representative of the Secretary, Rural Development.</i>
2.	<i>Shri. Madan H. Shelar, Village Development Officer, Maan Gram panchayat, Tal- Mulshi, Dist. Pune.</i>	<i>Representative of Director Panchayat</i>
3.	<i>Shri. Sanjay Sandashive, Under Secretary, Environment Dept., government of Maharashtra (GoM)</i>	<i>Representative of Director, Environment.</i>
4.	<i>Shri. Shankar Waghmare, Regional Officer, MPCB Pune.</i>	<i>Regional Officer, MPCB Pune.</i>
5.	<i>Shri. Shrikant Misal, Nayab Tehsildar, Mulshi.</i>	<i>Representative of the Collector, Pune.</i>

The point-wise observations of the joint committee is as below:

<i>Sr. No.</i>	<i>Grievances of the Applicant</i>	<i>Joint Committee observations.</i>
1.	<i>Raw unsegregated, untreated and unprocessed garbage from all companies, residential complexes, villages is being illegally dumped every day.</i>	<i>The village Maan, Tal, Mulshi, Dist. Pune generated 20.0 to 25.0 MT/Day as Municipal Solid Waste as reported by local body. The said gram Panchyat has dumped the MSW generated at</i>

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2.	<p>The illegal dumping is most probably on "forest" land. Big trees have been cut and garbage is being dumped on this land. An illegal road has been made through probably the "Forest" land which is used by the tractors/ trucks for dumping garbage.</p>	<p>S. No. 262 since last 25 to 30 years. This land belongs to Government of Maharashtra-Gayran (grazing land) as reported by Grampanchayat Maan vide letter dated 13.10.2022. The said location is 200 mtrs. away (aerial distance) from the Cliff Garden condominium residential society. Presently about 2000 tonnes of MSW found dumped at the site.</p> <p>The mann Grampanchayat has stopped the dumping of MSW at above locations and given for reprocessing and disposal of MSW generated within their area to M/s ABHAY BIO CNG PVT. LTD., S. No. 300/1, Village - Maan, Tal, Mulshi, Distance Pune. Since October, 2022.</p> <p>The committee visited the said MSW reprocessing plant and during the visit same was found in operation. This facility consists segregation ramp for Dry Solid Waste, Bailing Machine for dry waste, and composing. Further the facility representative informed that the Wet Waste is being sent to village Lavale, Tal. Mulshi, Dist-Pune for wind rows composing. As no composting facility at S. No. 300/1, village Maan, Tal-Mulshi Dist- Pune.</p> <p>The Committee observed that the said plant was not operated properly i.e. as there is no proper collection, storage arrangement and no composting at site.</p>
3.	<p>Raw sludge from sewage Treatment plants (STP's) is also being dumped along with garbage.</p>	<p>The Maan Grampanchayat has provided fullfledged Sewage Treatment Plant based on SBR technology having treatment capacity of 2.0 MLD. During the visit STP was found in operation. Treated sewage is being disposed in nearby</p>

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		natural drainage after disinfection. The sludge generated is used as manure. The Board has granted Consent to Establish on 20.01.2017 subsequently applied for Consent to Operate. No raw STP sludge was observed at dumping site. STP photographs are attached herewith as Annexure-I
4.	There is a huge unbearable stench in the entire area.	Presently Grampanchayat has stopped the dumping of MSW at site in question. During visit of Joint Committee no abnormal smell observed. However, during rainy season if dumping continued then possibility of smell nuisance cannot be ruled out.
5.	The garbage is rotting and spoiling the entire environment.	The Mann Grampanchayat has prepared the DPR to dispose off the previously dumped MSW at S. No. 262 and submitted for technical approval to Maharashtra Jeevan Pradhikaran (MJP) on 06.09.2022, as reported by local body.
6.	There are lot of mosquitoes, stray rabid dogs, stray pigs, rats etc. in and around the garbage dump.	
11.	During monsoon, the rain water from the hills gets mixed with the rotting garbage and then flows onto the roads and into wells and farm lands. This contaminated water is also a huge health risk.	During the visit there was no well found nearby vicinity however during the rainy season leachates may generate.
12.	Respondent No. 2 & 8 have failed to discharge their statutory duties with respect to handling of the MSW Rules.	MPC Board has communicated to Grampanchayat Mann to stop unscientific disposal of Municipal Solid Waste generated from their area vide letter dated 12.11.2021, 21.04.2022, 05.08.2022 subsequently hearing was extended to Mann Grampanchayat by Regional Officer, MPCB Pune on 06.10.2022 and conditional directions are issued on 19.10.2022 and the same are

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	<p>attached as Annexure- II. The Maan Grampanchayat vide their letter dated 13.10.2022 and 09.11.2022 informed that they have stopped the dumping of MSW at site in question and prepared DPR for scientific disposal of previously dumped MSW. The DPR have been submitted to MJP vide their letter dated 06.09.2022 for technical sanction thereafter the previously dumped MSW will be disposed off 100 %. The copies of reply submitted by Grampanchayat.</p>
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Conclusion and Recommendations:-

- 1) *By considering the above, the Maan Grampanchayat has dumped about 2000 MT of MSW unscientifically at S. No.262 since last 25 to 30 years.*
- 2) *The Grampanchayat Maan shall take the follow up with MJP for technical approval for scientific disposal of accumulated MSW waste. Accordingly they shall submit the time bound program for the disposal of the accumulated MSW. Till that time they shall take necessary precautions so as to avoid burning of MSW and minimization of leachate generation.*
- 3) *The Maan Grampanchayat shall ensure that the MSW generated within their area shall be disposed of scientifically.*
- 4) *The Maan Grampanchayat shall continue the operation of Sewage Treatment Plant and the sludge generated shall be disposed off scientifically."*

5. The stand by the **Respondent No. 1/Gram Panchayat, Maan** is that the 68% area of the MIDC falls within the limit of Village Maan. It is the responsibility of the Respondent No. 7/MIDC to provide basic amenity of STP and MSW to township and companies falling under their jurisdiction. As per the Notification dated 13.09.2019, the Respondent No. 7 is empowered to collect taxes of Residential Townships and Companies. The Answering Respondent vide letter dated 31.12.2018 requested the Respondent No. 7 to allot land for setting up STP and MSW disposal facility. But no effective response was given. Thereafter, vide

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letter dated 14.03.2022, the MIDC informed the Answering Respondent that the Respondent No. 7 will implement its own STP and MSW disposal facility by using the modern technologies. The Answering Respondent i.e. Grampanchayat of Village Maan, Taluka: Mulshi, District: Pune was established in the year 1956, the current population of the said Village is 50,000 approximately. The Grampanchayat Maan along-with other Villages Hinjewadi and Maruji were notified by the MIDC for establishment of IT Park and industries in the name of Rajiv Gandhi Info-Tech Park. After receiving complaints from various residents and localities regarding excessive dumping of solid waste on the said Survey No. 262 being the common village land (grazing land), the Answering Respondent wrote a letter dated 31.12.2018 to the Respondent No. 7 requesting to provide a vacant land admeasuring 60R to the Respondent No. 1 for establishing MSW disposal plant because 68% of the MIDC area fell under Village Maan. But no steps were taken at the end of Respondent No. 7. Thereafter, the Answering Respondent issued a letter to Respondent No. 8/PMRDA being the Planning Authority but no reply was received from their end. Thereafter, the Answering Respondent wrote a letter dated 16.03.2022 to the Respondent No. 3/District Collector, Pune, requested for providing the land to establish the MSW disposal plant but did not receive any reply from their end. A letter dated 14.03.2022 was received from the Respondent No. 7 denying the request of the Applicant for allotment of land for setting up MSW disposal plant. Thereafter, the Answering Respondent appointed a private entity by the name M/s. Abhay Bio CNG Pvt. on 25.03.2021 for reprocessing and disposing of the MSW generated within the limits of Maan Grampanchayat. Rest of the contents are taken from the Joint Committee Report.

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6. From the side of **Respondent No. 7/MIDC**, learned Counsel Ms. Shyamali Gadre has appeared, who apprised us that no specific prayers have been made **against** the Answering Respondent. The Answering Respondent being the appropriate Planning Authority under the provisions of Section 40 (1A) of the Maharashtra Regional and Town Planning Act, 1966 (MRTP), is required to provide the basic infrastructure and amenities to the residents of the area. However, with respect to the illegal garbage dumping/solid waste dumping done on the boundary of the project, it is submitted that the said area is beyond the limits of the Corporation as per the joint inspection report. The illegal dumping is most probably done on the "Forest Lands". The Answering Respondent intends to set up a World Class Modern Technology based infrastructure for Solid Waste Treatment Plant for which tenders have been issued. It is further submitted that the statement made by the Respondent No. 1 that 68% of the MIDC land falls within village Maan, is absolutely untrue. As per the consent issued by the MPCB for industries and residential units, it is made mandatory for the individual industry and residential units to dispose of the solid waste & sewage as per MPCB norms. The State Pollution Control Board is the controlling & monitoring authority for proper disposal of solid waste and sewage as per terms and conditions of the consent.

7. The stand of **Respondent No. 6/MPCB** is that the Respondent No. 1 has obtained Consent to Establish from the MPCB on 20.01.2017 for 2 MLD STP, which was valid for a period of 5 years or up to commissioning of the said plant, whichever is earlier. The Respondent No. 1 then applied for Consent to Operate for the said STP to MPCB on 20.10.2022. As per the said application for Consent to Operate, the Respondent No. 1 had started operation of the said STP on 27.09.2021 without obtaining

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Consent to Operate. Therefore, a sum of Rs.1,33,750/- was assessed as penal charges for violation of consent for the period from 27.09.2021 to 20.10.2022 as per Circular issued by MPCB on 12.07.2022. Upon receipt of the said charges from the Answering Respondent to MPCB, the MPCB would issue the Consent to Operate to Answering Respondent for the said STP.

8. Further, it is submitted in the affidavit by the Respondent No. 6 that in compliance with the order of Principal Bench of this Tribunal in Original Application No. 606/2018 dated 24.01.2020, against the defaulting Respondent No. 1, environmental compensation has been calculated for the period from 01.04.2020 till 31.01.2023 i.e. for 34 months, which comes to Rs. 34,00,000/- (Rs. Thirty Four Lakhs).

9. From the side of **Respondent No. 4/CPCB and Respondent No. 5/Environment Department**, learned Counsel Mr. Aniruddha Kulkarni has appeared but no reply affidavit has been filed.

10. From the side of **Respondent No. 8/PMRDA**, learned Counsel Mr. Sameer Khale has appeared but no reply affidavit has been filed.

11. From the side of **Respondent No. 10/MoEF&CC**, learned Counsel Mr. Rahul Garg has appeared but no reply affidavit has been filed.

12. Heard the arguments of the learned Counsel for the parties and perused the record.

13. We find that it is evident from the Joint Committee Report that the Respondent No. 1 has stopped dumping of MSW at the site in question i.e. Survey No. 262, where the dumping was being done since the last 25 to 30 years. The Respondent No. 1 has also given contract to M/s. Abhay

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Bio CNG Pvt. Ltd. for reprocessing and disposal of MSW generated within the local area.

14. The learned Counsel for the MPCB has made clear that Survey No. 300/1 is being used as a new place where the dumping has been done by the Respondent No. 1. It is also apprised by her that at Survey No. 300/1, MSW Processing Plant has been established by the Respondent No. 1, which was found operational at the time of visit. The said facility consists of segregation ramp for dry solid waste, bailing Machine for dry waste and composting. The wet waste is being sent to Village Lavale, Taluka: Mulshi, District: Pune for windrow composting. At Serial no. 2 in the Joint Committee observation, it is observed that no composting is being done at the site. Regarding STP, it is recorded in this report that though it was found in operation but the treated sewage is being disposed in nearby natural drainage after disinfection. No abnormal smell was found. It is also recorded in this report that the Respondent No. 1 has been communicated to stop unscientific disposal of solid municipal solid waste generated from the area.

15. From this report, it is absolutely clear that now there is no MSW being dumped at the earlier site i.e. Survey No. 262, regarding which the Applicants had made a complaint in the present application. During argument, it transpired that as regards legacy waste, 2000 tonnes of MSW was found dumped at the site, clearing of which is under process and the learned Counsel for the Applicants has also admitted that the same is being done at fast pace but some timeline should be fixed by this Tribunal so that it finally gets dispose of. We direct the Respondent No. 1 to ensure that the said legacy waste is cleared within a period of one year from the date of this order.

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16. We find from the affidavit of MPCB that they have already calculated the compensation of Rs. 34 lakhs for the period from 01.04.2020 till 31.01.2023 based on the principles laid down by the Principal Bench of this Tribunal in Original Application No. 606/2018, although as per the work order, the said legacy has to be cleared by 04.01.2024, therefore, if beyond 31.01.2023, the work of clearing the legacy waste would still going on, the MPCB shall realize the compensation amount from the Respondent No. 1 for that remaining period as well, at the same rate or for the period till the entire waste is cleared.

17. We have also noted that the MSW Processing Plant has not been set up by the Respondent No. 1, which is their responsibility and that we are not convinced with the defense being taken by the Respondent No. 1 that the area of Respondent No. 1 is falling under MIDC, therefore, MIDC should provide for the setting up of the MSW Processing Plant.

18. We dispose of this Original Application with the following directions that:-

- (i). The Respondent No. 1 shall take steps for setting up MSW Processing Plant at the earliest and that if they are not able to set up the same, the MPCB shall calculate the environmental compensation based on the principles laid down by the Principal Bench of this Tribunal in Original Application No. 606/2018 and the same would be realized from the Respondent No. 1 as mentioned above in para no. 16. The said amount shall be realized within a period of two months.

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- (ii). The Respondent No. 3/District Collector, Pune shall provide land to the Respondent No. 1 for setting up the MSW Processing Plant at the earliest.
- (iii). Whatever amount of compensation is being realized, the same shall be utilized within 06(six) months thereafter by the MPCB for the restoration of the environment in the area concerned.
- (iv). A compliance report shall be submitted to the Registry of this Tribunal and shall also be uploaded on the website of the MPCB.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 22, 2023
Original Application No. 75/2021(WZ)
P.Kr

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1885 OF 2024

GRAM PANCHAYAT, MAAN THROUGH SARPANCH

...Appellant(s)

Vs.

THE CLIFF GARDEN CONDOMINIUM B AND C
ASSOCIATION OF APARTMENT & ORS.

...Respondent(s)

O R D E R

Heard the learned counsel appearing for the appellant.

We have perused the earlier orders passed by this Court from time to time. An affidavit was directed to be filed by the appellant setting out the manner in which it will comply with the Solid Waste Management Rules, 2016. Perhaps, a grievance was made by the appellant that they do not have a site available to set up STP. Therefore, the order dated 26th April, 2024 records that:

"Perused the order dated 2nd February, 2024.

The report of the Maharashtra Pollution Control Board states that entire solid waste and other waste have been removed by the appellant.

We have perused the additional affidavit filed by the appellant and the letters annexed to the additional affidavit. We direct the respondent nos.8, 9 and 10 to respond to what is

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stated in the letters annexed to the additional affidavit of the appellant. They will have to state before the Court in what manner a site can be made available to the appellant for setting up STP and MSW plant. We direct the Authorities to file the affidavits in this behalf within a period of two months from today coming out with a concrete suggestion, which will held the appellant to comply with the Solid Waste Management Rules, 2016.

In the meanwhile, the appellant must ensure that the solid waste and other waste shall not be dumped contrary to the directions issued under the impugned order.

List on 12th July, 2024.

In the meanwhile, the interim relief granted earlier by this Court to continue."

The concerned respondents had to state before the Court in what manner a site could be made available to the appellant for setting up STP and MSW plant. Thereafter, the affidavits were filed by the concerned respondents offering sites.

Pursuant to our order dated 12th August, 2024, now the appellant has filed an affidavit in which the appellant has claimed that the appellant is already in possession of the land bearing Survey No.210 located at Mauje Mann Taluka Mulshi, District Pune, Maharashtra for the purposes of Solid Waster Management for the last 50-60 years. The appellant has not shown willingness to comply with 2016 Rules. Accordingly, we find no merit in the appeal.

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We, however, clarify that the direction given in paragraph 18 (i) of the impugned judgment as regards the payment of Environmental Compensation shall be implemented within a period of six months from today.

Subject to the above direction, the appeal is dismissed.

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
August 30, 2024.

ITEM NO.55

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1885/2024

GRAM PANCHAYAT, MAAN THROUGH SARPANCH

Appellant(s)

VERSUS

THE CLIFF GARDEN CONDOMINIUM B AND C ASSOCIATION
OF APARTMENT & ORS.

Respondent(s)

(IA No. 146849/2024 - EXEMPTION FROM FILING O.T.)

Date : 30-08-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s)


Ms. Khushboo Tomar, Adv.
Mr. Omprakash Ajitsingh Parihar, AOR
Mr. Suraj Chakor, Adv.
Mr. Dushyant Tiwari, Adv.
Mr. Arvind Kumar, Adv.
Mr. Praveen Bhatia, Adv.

For Respondent(s)

Mr. Vikrant Pachnanda, AOR
Mr. Mukul Katyal, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.
Ms. Vatsala Tripathi, Adv.
Mr. Shashank Singh, AOR
Mr. Krishna Prakash Dubey, Adv.
Mr. G P Mahto, Adv.
Mr. Devanshu Gupta, Adv.

Mr. Gagan Sanghi, Adv.
Mr. Anand Dilip Landge, AOR
Mrs. Sangeeta S Pahune Patil, Adv.
Mr. Dinesh H Godara, Adv.
Mr. Avineesh Jha, Adv.
Mr. Viraj Pawar, Adv.



Mr. Vijay Kumar Dhakane, Adv.
Mr. Sandeep Gupta, AOR
Ms. Kanchan Gupta, Adv.

Mr. Omkar Deshpande, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed
order.

Pending application also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)

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Annexure-III

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**Calculation as per Hon'ble NGT Order for the state of Maharashtra in the matter OA
606/2018 dtd. 24/01/2020.**

From and including: **Wednesday, 01 November 2023**

To and including: **Thursday, 31 October 2024**

Result : 365 Days

It is 365 days from the start date to the end date, end date included.

Or 1 year, including the end date.

Or 12 months including the end date.

The total period is 12 months for non-compliance as per 37 (a) and 37 (b). EC calculated for 12 months at 1 lakh per month=12 lakhs each as per 37 (a) and 37 (b) i.e. total of 24 lakhs.

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Annexure-IV

MAHARASHTRA POLLUTION CONTROL BOARD
SUB - REGIONAL OFFICE, Amravati-1

Phone : 0721-2563594
Website : www.mpcb.gov.in
E-Mail : sroamravati1@mpcb.gov.in



Sahkar Surabhi,
Bapatwadi, Vivekanand
Colony, Amravati.

Date: 07.11.2024

Name Of Local Body: Municipal Council, Achalpur,
Dist: Amravati

Representative : Mr. Sachin Chawake (Engg.)

Observations : The site visited to check the present status of the SWM site & following observations are made:

1. As informed by the Council representative the daily solid waste generation from the jurisdiction of Achalpur Municipal Council is about 34 TPD. The wet waste is approximately 14 TPD and dry waste is approximately 20 TPD. The wet waste is treated by pit composting and dry waste is segregated in the MRF centre and is further sent for disposal through appropriate channels.

2. The existing facility comprises of manual MRF centre of 50 Tonne capacity, composting facility having capacity 60 M³, screening machine of 10 TPD, shredder machine & baling machines (2 nos.). The existing Solid waste processing facility processes the entire solid waste collected daily from the Municipal Council area as informed by the Municipal Council's representative.

3. They have made agreement with the agency M/s. Supreme Gold Irrigation Ltd. for biomining of 22000 MT legacy waste only. During the visit the biomining activity was not found in operation due to rain. Presently @ 20500 MT legacy waste biomined & remaining 1500 MT will be biomined by end of December, 2024 as informed by the representative. The said agency has installed Segregation machine of capacity 500 TPD for biomining activity. Also Municipal Council has taken proposal in new DPR for Solid Waste Management i.e. biomining of balance legacy waste (20000 MT) as informed by Municipal council. At present the accumulated legacy waste at the site is about 21500 MT. Some quantity of inert material stored near screen shed observed.

4. They have not provided sanitary landfill site (SLF). At present they have provided Solid waste processing facility to process the entire solid waste

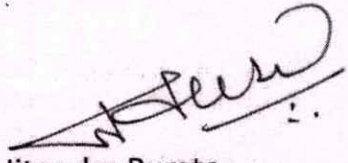
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collected daily from the Municipal Council area, as informed by the Municipal Council's representative.

5. The Municipal Council, Achalpur has proposed a new site at S.No.27 E-Class, Mouje-Khelghumat, Tal Achalpur Dist. Amravati having area 9.16 Hectare for establishing processing site for Solid Waste Management.



Mr. Sachin Chawake
(Engineer MC Achalpur)



Jitendra Purate
(Field Officer)