

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****WESTERN ZONE BENCH, PUNE****AT PUNE**

ORIGINAL APPLICATION NO. 134/2024 (WZ)

EARLIER ORIGINAL APPLICATION NO. 571/2024 (PB)

IN THE MATTER OF: -NEWS ITEM TITLED "HADAPSAR RESIDENTS DEMAND ACTION AGAINST OPEN GARBAGE BURNING" APPEARING IN HINDUSTAN TIMES DATED 14<sup>TH</sup> APRIL 2024**INDEX**

SR NO	ANNE XURE	PARTICULARS	PAGE NOS.	
			From	To
1.		Index	-	65
2.		Reply	66	75
3.		Affidavit in Support	76	77
4.	<b>R-1</b>	Copy of the Plan as prepared by the Committee	78	86
5.	<b>R-2</b>	Copy of the Affidavit dated 10.06.2016	87	94
6.	<b>R-3</b>	Copy of the judgment	95	126
7.	<b>R-4</b>	Copy of the email dated 16.05.2024	127	133
8.	<b>R-5</b>	Copies of the photographs	134	136
		<b>LAST PAGE NO.</b>		<b>136</b>

PUNE

DATE: 07/01/2025



ADVOCATE FOR RESPONDENT No.3

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

**AT PUNE**

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IN THE MATTER OF: -

NEWS ITEM TITLED "HADAPSAR RESIDENTS DEMAND ACTION AGAINST OPEN GARBAGE BURNING" APPEARING IN HINDUSTAN TIMES DATED 14<sup>TH</sup> APRIL 2024

**REPLY ON BEHALF OF RESPONDENT NO. 3,  
PUNE CANTONMENT BOARD**

**MAY IT PLEASE THE HON'BLE TRIBUNAL**

1. At the outset, it is submitted that, the contents of the Original Application are not admitted by the Respondent No.1 and that the contents therein of are false and incorrect. The Respondent No.1 submits that the statements and averments made in the said Original Application are not admitted by the Respondent No.1 except so far, they are expressly admitted herein under. It is further submitted that, the Respondent No.1 craves leave of this Hon'ble Tribunal to file a detailed Reply, if necessary, in the present proceedings. It is further submitted that the photographs appearing in the news item are not that of the property belonging to the Respondent No.3.

2. The property bearing S.No. 120 + 298 Hadapsar admeasuring around 27 Acres and 26 gunthas is in the possession of the Respondent No.3 for more than 100 years and used for the purpose of manure yard. The said land was given on lease to Respondent No.3 before the year 1932 by the then owners Janardhan Ramchandra Mhaske on lease. The name of the Respondent No.3 is entered as “kabjedar” of the said property in the year 1932 and on the 7/12 extract. It is mentioned as “Cantonment Committee Lashkar” given on lease by virtue of oral agreement on an annual lease rent of Rs 300/per annum.
3. The Respondent No.3 submits that Hadapsar Industrial Estate had filed Writ Petition No.96/99 in the Hon’ble Bombay High Court for shifting the manure yard on the ground inter-alia of unhygienic condition. The Hon’ble High Court after due and proper hearing from time to time, appointed expert committee consisting of Ms.Almitra Patel and another Environmentalists to inspect the premises and to submit the report. The said committee inspected the premises and submitted the report and suggested long term and short-term recommendation. Copy of the report suggesting long term and short-term plan is annexed hereto and marked as **ANNEXURE – R-1**.
4. The Respondent No.3 has filed Affidavit dtd. 10.06.2016 before the Hon’ble High Court narrating the steps taken for implementation of short term and long-term recommendations. Copy of the Affidavit dated 10.06.2016 is annexed hereto and

marked as ANNEXURE – R-2. The Respondent No.3 further submits that the said Writ Petition was disposed by the Hon'ble High Court vide their order dt. 20.07.2016. Copy of the said judgment is annexed hereto and marked as ANNEXURE – R-3.

5. Thereafter Respondent No.3 also implemented following project as under –

- (a) 150 tons mixed solid waste plant (Jt venture with PMC)
- (b) Sanitation land fill (Jt venture with PMC)
- (c) Bio mining of legacy waste
- (d) day to day waste processing residential derived fuel and compost.

6. It is submitted that Respondent No.3 has incurred more than 1.5 Cr for development work at the said site like foundation of MS shed, MS shed for MSW plant, RMC work, scientific capping for legacy waster, cladding work to MS shed, RMC work for loading / unloading etc. Respondent No.3 has installed processing plant for conversion of solid waste into RDF and compost as per State Policy and strategy on solid waste management. Respondent No.3 has enforced door to door collection of segregated solid waste from household and commercial establishments in the Cantonment limits. The work has been entrusted to NGOs M/s

Janwani and SWACHH. Hon'ble Tribunal may please note that on account of continuous efforts of Respondent No 3 the ranking has been improved in Swachh Survekshan 2020 from 48<sup>th</sup> place to 05<sup>th</sup> place in the State of Maharashtra.

7. Respondent No.3 submits that the waste from Cantonment limits is transported to the vermiculture site adjoining to the trenching ground and processed by vermiculture. Respondent No 3 is carrying out routine tests at the trenching ground for samples of solid waste, sub soil water, ambient air monitoring and leachate. In order to prevent foul odour and mosquito menace Lemox is regularly sprayed.
8. It is submitted that present Original Application is registered as Suo Moto on the basis of News Item titled as ' Hadapsar residents demand action against open garbage burning appeared in the Hindustan Times dtd 14<sup>th</sup> April 2024. The case is related to the open burning of garbage at Hadapsar Industrial dumping site Pune, Maharashtra.
9. In the present case, MPCB has filed its reply dated 30.07.2024 narrating that directions were issued to Pune Municipal

Corporation and Respondent No.3 but Respondent No.3 did not respond MPCB. It is submitted that the said statement of MPCB is not true. Respondent No.3 has submitted its reply through E-mail dated 16.05.2024 narrating facts and measures taken / initiated by the Respondent No.3. Copy of the email dated 16.05.2024 is annexed hereto and marked as **ANNEXURE – R-4**.

10. Respondent No.3 is fully aware of obligations on its part that it is responsible for processing and the disposal of solid waste, to comply with the provisions of Solid Waste Management Rule 2016. The duties as specified under Rule 15 of the SWM Rules 2016 are being rigidly complied with. Since more than 2 years, back the processing plant for processing of SWM into RDF and compost has been installed and is functioning satisfactorily. Respondent No.3 has completed said project on BoT basis.

11. The guidelines issued by the Ministry of Urban Development are being adhered to in the procedure for operation in the processing plant. The annual report in form IV as prescribed under rule 24 (2) is being submitted regularly within time in the prescribed form.

12.The Fire broke out due to the summer season and prevalence of severe atmosphere heat certain heaps of rejects on 08.04.2024. The staff of Respondent No.3, the fire brigade department reached the site within next 20-30 minutes. As a matter of fact, the eruption of fire on the garbage bins was in occurrence purely due to high atmospheric temperature. Respondent No.3 does not carry burning of Solid Waste in Cantonment limits which has been banned. The fire spread on large scale through all the heaps of rejects at trenching ground which was causing to difficulty to control the fire and subdue of smoke.

13.The Respondent No.3 immediately took various measures to control fire at trenching ground like (i) spraying of water continuously (ii) separation of waste heaps removable and inflammable material etc. The Respondent No.3 has deputed stand by fire engine and water lorry to avoid similar incident in future. There was sudden temperature rise in environment caused the said fire incident due to adverse atmosphere conditions. The picture of site shown in newspaper article does not fall within jurisdiction of Respondent No 3. There was no open burning of

garbage mentioned in the news article. The fire broke out on the garbage heaps due to high summer heat.

14. The allegations about worsening situation day by day are not true. The Respondent No.3 has deputed standby fire engine and water tanker to avoid similar incidences in future. Respondent No.3 is making provision of CCTV cameras for immediate detection.
15. Allegations in news article about non observing SWM Rules 2016 has not merits. PCB has / is complying the SWM Rules 2016. Respondent No.3 in compliance of Rule 3 (40) has executed the work of scientific capping by clearing the site of legacy waste so that the problems related to pollution of ground water, surface water, wind blow litter, bad odour, fire hazards, animal and bird menace, gas emissions have been eliminated.
16. Respondent No.3 is fully aware of the fact that it is obligatory on its part that it is responsible for processing and the disposal of solid waste, to comply with the provisions of Solid Waste Management Rule 2016. The duties as specified under Rule 15 of the SWM Rules 2016 are being rigidly complied with. It had been already reported by Respondent No.3 that since more than 2

years, back the processing plant for processing of SWM into RDF and compost has been installed and is functioning satisfactorily. PCB has completed said project on BoT basis and the concessionaire of the project is required to carry out operation and maintenance of processing plant under the terms of the contract. The guidelines issued by the ministry of urban development are being adhered to in the procedure for operation in the processing plant. The annual report in form IV as prescribed under rule 24 (2) is being submitted regularly within time in the prescribed form.

17. Respondent No.3 has been providing fire engine with and water tanker as standby arrangement at the trenching ground site. At the same time the existing circulate masonry Tany in the trenching ground is provided to make water available for quenching fire. In cases as and when necessary, the requisite water supply lines will be provided to conveniently quench the fire as required. In locations where fire has occurred and soil filling to block oxygen will be carried out.
18. The solid waste management work as mentioned above ensures compliance of all the SWM Rules 2016. After completion of the

above work there will be no accumulation of legacy waste or inert waste at the site. The clearance of all such material shall ensure non accumulation of leachate problems and preventing any fire incidents. The atmosphere condition of the surrounding municipal area as well as Hadapsar industrial estates can be earmarked in swachata plan. Respondent No.3 has installed 06 CCTV cameras at the site for monitoring ingress and egress of vehicles and loading / unloading of the waste. Copies of the photographs are annexed hereto and marked as **ANNEXURE – R-5**.

19. Respondent No.3 has provided existing machinery tank at the site which will be made functional and provided for round the clock water connection. At the same time arrangements for firefighting on the tank is under process. It is proposed to provide foggers at the site for which their installation at the site is being studied on technical point. Provision is made for staking of earth block the oxygen at the site to immediately take action on occurrence of fire. The staff of Respondent No.3 have also been allotted presently at the site for filling up patches with soil where fire had occurred.

20. The news item states that burning / illegal dumping unscientifically of solid waste in industrial area the nuisance of Air pollution was caused. This is a total misunderstanding of the residents of Magarpatta City. It is once again clarified that due to hot prevailing temperature of summer season a fire took place on the garbage heaps in trenching ground on 08.04.2024. Remedial assistance was immediately sought from PMC fire Deptt along with fire Deptt of Respondent No.3. Water tankers were provided to quench the fire resulting into reducing the smoke. Allegations in news article about non observing SWM Rules 2016 has no merits. Respondent has / is complying the SWM Rules 2016

Pune

Date : 07/01/2025



ADVOCATE FOR RESPONDENT No.3

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
AT PUNE**

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NEWS ITEM TITLED "HADAPSAR RESIDENTS DEMAND  
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APPEARING IN HINDUSTAN TIMES DATED 14<sup>TH</sup> APRIL  
2024

**AFFIDAVIT IN SUPPORT OF REPLY**

**MAY IT PLEASE THE HON'BLE TRIBUNAL:**

I, Mr.Subrat Pal, adult, Occu.: service, having office at  
Pune Cantonment Board Building, near Golibar  
Maidan, Pune - 411 001, do hereby state on solemn  
affirmation as under: -

I am the Chief Executive Officer of the Respondent  
No.3 above named and responsible for day to day



administration of my business. As such, I have gone through the Reply and annexure thereto being filed today. I find that the contents therein are true and correct to the best of my knowledge and belief and which may be treated as part and parcel of the present affidavit.

WHATEVER STATED ABOVE is true and correct to the best of my knowledge and belief. In witness whereof I have signed hereunder at Pune on 07 day of January 2025.

*[Signature]*  
DEPONENT

*[Signature]*  
G. N. Khurpe  
MAH/4589/80  
Advocate

BEFORE ME

*[Signature]*

ARJUN N. KHURPE  
NOTARY UNION OF INDIA  
PUNE

Noted and Registered  
at Serial Number 34/7/1/25

- 7 JAN 2025



**ANNEXURE-R-1**

INTERIM REPORT on VISIT to HADAPSAR DUMPSITE of PUNE CANTONMENT BOARD, by Mr S K CHAWLA & Mrs ALMITRA PATEL as per DIRECTIONS dt 11.3.1999 of the HON'BLE HIGH COURT OF MUMBAI IN W P 96 of 1999

A two-member Committee was appointed by the Hon'ble High Court of Mumbai to inspect the dumping grounds at Hadapsar, Pune and suggest long-term and short-term ways to improve the situation which provoked WP 96/1999. This is a report of the Committee's visit on 31.3.1999 and 1.4.1999, covering the following aspects :

**THE SITE**

The Pune Cantonment Board (Cantt) is presently an enclave within the Pune Municipal Corporation (PMC). The PMC in 1960 promoted a Town Planning Scheme for a Hadapsar Industrial Estate (HIE) to the north-west, on and around the site where Cantt garbage has been traditionally disposed of since most of this century, on land for which Cantt say they have been paying lease rent and non-agricultural charges. This 28 acre dumpsite now lies well within the new PMC limits, lying on both sides of the Pune-Sholapur Road through Hadapsar. The smaller 11 acre plot on the east of the main road in S. No 120 is usable year-round. The larger 17 acre western plot which includes S. No 120 and 298 is at a lower level, unusable by vehicles in the rains except for one short internal dead-end road. Both sites are plain level land with scattered trees and no construction except for a cabin beside the main road. Only the western plot has two chain-link enclosures around tree-plantation strip beside the main road.

**CONDITIONS AT SITE**

The Committee visited the site on 31.3.99 late evening and 1.4.99 mid-morning. No carcasses, dogs, vultures, crows or any trace of "garbage piled 8-10 meters above road level" were seen. Nor were any flies seen, which arise in large untreated heaps. But there were an abnormally large number of pigs (about 300) on both Hadapsar plots in clusters, quite obviously feeding on shallow piles of uncovered garbage that must have been recently dumped to be still edible. Several newly-dug long trenches 2 meters deep were seen on both sides of the internal road, where an excavator machine was doing pointless earth-moving while the day's garbage in one trench still lay un-covered. Old empty trenches were not

obvious. Clearly, good trenching practices are neither known nor followed. In any case, anaerobic (airless) decomposition of waste for 6-8 months in trenches is now outdated, as it releases offensive odours and methane, a green-house gas, and is also wasteful of space.

### THE PROBLEMS

The Committee met over 25 persons (Anx 1, pg 10) at Hadapsar for 2.5 hours on 14.99 to listen to the problems of HIE industrialists, nearby residents (no-one from Save India Assn), and officials from Cantt and PMC with one lawyer each for petitioners and Cantt. The major problems, highlighted in their verbal statements summarised below, were a repetition of many of those mentioned in WP 96/99, viz:

**Stray Pigs:** These have caused numerous accidents and injuries to two-wheeler drivers, especially when they run across the unlighted main road at dusk and other times of day. They belong to nearby slum-dwellers. There were apparently far fewer stray pigs a decade ago, though waste quantities have not increased much.

**Flies:** These swarm in unbearable numbers especially during the monsoon and are intolerable at mealtimes, at the HIE and nearby residential areas.

**Stench:** Unbearable, especially during the rains, which were prolonged in 1998.

**Degraded environment, shocking to foreign visitors:** We were shown an embarrassing letter from Japanese visitors, remarking on the abundance of pigs.

**Carcasses:** Both sides admitted this problem has stopped since over a year.

The following additional grievances were voiced at the meeting:

**Lack of all-weather Internal roads:** Garbage dumped beside the main road when it rains, makes the surface slippery and attracts more pigs onto the road.

**Flooding and Water Contamination:** Rainwater flooding across the low-lying western dump-site causes filthy water to enter the premises of nearby industries. When it enters into leaky water-pipes during interrupted water-supply, this dirty water contaminates the Municipal water-supply to the area.

**Dumping by PMC:** The PMC dumped a lot of its garbage on the Cantt site in '94. Cantt claims in their Reply Affidavit para 9 that PMC has "its own dumping ground... maintained by the PMC" nearby, although HIE does not agree with this.

**Financial Cost:** Weekly pest-control for flies is very expensive and ineffective.

**Economic Losses:** Insanitary dumpsite conditions have made nearby Pravin Masalewale, an ISO 9000 producer and exporter of packaged spices, ineligible for the Spice Board logo or even Certification, affecting their business and growth.

**Lack of Responsiveness to Civic Complaints:** This has improved only as a result of this PIL. (Level of supervision by top officials still needs improvement.)

**Unkept promises:** Intolerable conditions like these prompted a Rasta-Roko in 1990. The late Brig. Joshi, then Sub-Area Commander, promised better waste-management "by the book" in the short term to reduce (not eliminate) the nuisance. For the long term he told them: "You find us land, we move", subject to availability of a clearly earmarked site protected from pressure for continuous shifting of site. He also promised to take up the finding of an alternate site through the Defence Estates Establishment. No visible progress to date on these commitments.

**Site Relocation:** All non-officials present unanimously demanded site relocation "at least once in 100 years" as it was now engulfed by urbanisation. All Cantt officials were reluctant to move for three reasons: a well-justified fear of fresh NIMBY (Not In My Back Yard) Writ Petitions at successive new locations, plus the added cost of transport to ever-further locations and the inability to then complete two trips per vehicle as at present, when distances and time increased.

**Offer of Financial Assistance for Shifting:** The newly-formed Hadapsar Industries Assn (HIA), now being registered, offered to collect funds to finance not only the purchase of a new disposal site to move to but even, through interest from a Corpus fund, the added cost of increased transport distances. One member pointed out that the N.A. charges and lease rent payments that would be saved by vacating the Hadapsar plots would pay for half the added annual transport costs.

**Ultimate Land Use:** All non-officials were against having more industry or residential construction there by self-avowed builder-buyers of the private land, after it was vacated. All desired that "the said garbage dump is converted into a garden or recreation park for the welfare of the people and workers in the Hattapsar industrial Estate area" (WFP 96/99 pg 14 and Prayer (c)). Ex "O" on pg 35 demands that "this area should be developed into a garden area with recreation facilities and a jogging facility as there is no such place anywhere nearby".

**LAND TITLE:**

Site improvement measures by Cantt have been seriously inhibited by the peculiar circumstances of the site location and its ownership status. The once-remote agricultural site now lies within the limits and jurisdiction of the PMC. The occupier since several decades is the Cantt, which claims to have paid Non-Agricultural charges to the State Govt against annual demand bills, and "lease rent" to private parties and/or the Court, despite the alleged absence of a formal or currently traceable lease document. Ownership is currently claimed by 61 plaintiffs in Civil Suit No 2 of 1998 in the Court of the Civil Judge, Jr Division, Pune, who claim to have purchased a share of the original lessor's property from two of his heirs. The Committee refrains from comment in the absence of any documentation. These plaintiffs claim that the earlier owners/heirs "had taken injunction" to prevent on-site tree-planting. Tata-Honeywell confirms vigorous protest and obstruction in their voluntary efforts to improve the environment by planting a shelter-belt of trees along the road-side to prevent pig-hazards and accidents.

**WASTE QUANTITIES AND DISPOSAL TIMINGS**

The Cantonment area had a population of about 82,000 in the 1991 census, and maybe 90,000 now. Of this, 15,000 is strictly military with an additional 10,000 military-related population, and about 55,000 are civilians. A total of 12-18 waste-transport vehicle trips (2 trips each by 8 vehicles as per on-site log-book) is said to transport 30-35 tons garbage a day, which corresponds with population figures. Locals who claimed that numerous additional unaccounted trucks arrived at the dump-site between 4 - 7 pm will document the registration numbers and arrival times of such vehicles for a while, for Cantt / PMC to trace where they come from

SPACE REQUIREMENTS FOR NEW SITES:

Suitable new waste-disposal sites are very hard to come by, with rigorous siting requirements. As a thumb rule, every 100 tons/day waste requires at least 2 hectares for waste-management. But as a minimum protection against NIMBY litigation arising from subsequent urban development, as has happened at Hadapsar, a No-Development Buffer-Zone of 500 meters all around has been recommended by the Supreme Court Committee for newly-selected waste-disposal sites. For a 2-hectare plot, the Buffer Zone will thus have to be 130 hectares or 325 acres; for a 16-hectare plot, the Buffer-Zone required is an additional 180 hectares, and so on.

POTENTIAL ALTERNATIVE SITES:

The Committee visited three other sites to find potential alternatives to the Hadapsar location. A very large low barren rocky hill and former rifle-range within the Cantt area on the outskirts of town would have been ideal, but for the recent construction of an Army chest hospital nearby. It can be used to dump debris. A second Cantt site near their very well-maintained slaughter-house is not at all large enough and has new housing nearby.

The third site of **42 acres (17 hectares) at Urali-Devachi** is owned by the PMC, which has used it for dumping its city wastes since 1991. It is very well located in an isolated sparsely-cultivated area, with only one private ware-house within 500 meters of its boundary. It lies 1.3 km off the Sasvad Road, 4 km outside the new PMC limits (enlarged in Sept 1997) and 8.8 km and 20 minutes away from the Hadapsar dumpsite. Currently 425 tons a day of PMC waste is dumped there by them in totally unmanaged random self-igniting heaps. The site is full of flies, smell and smoke. In December 1998, PMC floated tenders for BOO (Build-Own-Operate) conversion of city wastes to manure or energy and has received 5 bids, so hopefully things will improve.

Given the small quantity of Cantt wastes, co-disposal of 35 tons/day of Cantt wastes with 425 tons/day of PMC wastes is well worth considering, to avoid the need for two large No-Development Zones on the same side of town. This will be subject to consent by the PMC.

Having heard and considered the views of both Petitioners and Respondents, discussed possible options with them at length after inspecting conditions at current and potential long-term sites, the Committee makes the following interim Long-Term & Short-term Recommendations for consideration by this Hon'ble Court:

**LONG-TERM RECOMMENDATIONS:**

- The Pune Cantonment Board (Cantt) shall negotiate with and secure the permission of the Pune Municipal Corporation (PMC) and the State of Maharashtra if necessary, for co-disposal of its urban wastes excluding debris, at the PMC's Urali-Devachi site in the manner selected by PMC for its own waste-management.
2. The shifting of Cantt waste-disposal from Hadapsar to Urali-Devachi shall be time-bound and shall be completed by 31.3.2001, to allow time for the PMC to manage its own wastes at Urali-Devachi in an acceptable, hygienic and pollution-free manner.
  3. PMC shall make its own decisions as to the acquisition, allotment and ultimate disposal of the plots in S No 120 and 298 in accordance with the requirements of the approved Zonal Plan or Master Plan for this area, including the Town Planning Scheme for a Hadapsar Industrial Estate and a Railway Siding.
  4. Such decisions shall be subject to allowing a 15-year period of vegetative remediation and de-pollution of both sites at Hadapsar as described below, without any construction for 15 years after discontinuance of waste disposal there, and shall also be subject to any Court decisions regarding the ownership or tenancy / lease / acquisition rights to these disputed sites.

**SHORT-TERM RECOMMENDATIONS:**

1. The Pune Cantonment Board (Cantt) shall make every effort at Waste-Minimisation, to reduce the quantity of wastes needing transport and centralised disposal by 50% of current levels in 6 months. This can be achieved by the now-common method of colony or neighbourhood composting or vermi-composting, and other methods described in Anx-2 and explained by the Committee on 1.4.99 to Ms Malati Krishnakumar, Principal Director (offcg), Defence Estates, Southern Command, Pune and the Cantt E.O. Mr Sharma and others

207.

*Take out up to 2000*

2. Cantt shall endeavour to manage its wastes in such a manner that little or no edible wastes attractive to pigs reach the common disposal site. (Anx-2 pg 11).

3. Cantt shall restrict its waste-management operations to the central 5 acres of the smaller all-weather eastern plot only, and discontinue dumping or trenching.

*Keep out to plan*

4. Aerobic composting in wind-rows, accelerated by mechanical turning and spraying with cow-dung or horse-dung solution or microbial bio-cultures, shall be practised at Hadapsar and thereafter if necessary at Urali-Devachi. This spraying will reduce smell, flies, dust, methane and fires. Heat generated within the wind-rows will kill pathogens and produce a stable pollution-free product in 4-6 weeks. Auctioning it as-is, or doing post-compost sieving and other treatment required to produce a marketable product, is optional.

*Immediate*

5. The aerobic composting process can and should be observed on-site by staff, drivers and disposal-site sweepers at the nearest such modern location, at Thane, designed for 300 tons/day. Arrangements for 2-5-days training there should also be arranged for.

6. This central 5 acre / 2 hectare eastern compost-yard shall be fenced by Cantt with dog-proof chain-link fencing, to be removed when the site is vacated.

*Est.*

*Scams*

7. The remainder of the eastern plot shall be surrounded by a remediating shelter-belt of trees. These trees shall be planted by Cantt or others in double rows on the perimeter of the planned Town Planning Scheme plots (HIE Nos 81 to 87 onwards) so that they may remain there permanently as the property of whomsoever ultimately becomes the owner of the plot(s). Since such a shelter-belt of trees is essential and recommended as compulsory by the Supreme Court Committee for Solid Waste Management in Class 1 Cities, for controlling dust, flying plastic, odours and visual pollution at every waste-processing and disposal site, it should not be deemed to be a violation by Cantt of the terms of its original lease ("for the purpose of depositing garbage"), and no objection, stay or injunction by the 61 plaintiffs, PMC or anyone else against any tree-planting in S Nos 120 and 298 should be entertained.

*Start efforts*



8. The low-lying water-logged western plot shall not be used for waste disposal during and after monsoon 1999. It requires eco-remediation and reduction of almost a century of soil- and ground-water- pollution by the planting of a dense grove of trees, shrubs and under-storey which should be left undisturbed for at least 15 and preferably 30 years. The trees here should likewise be planted in double rows along the perimeter of designated plots 2-15 as per the Town Planning Scheme, with several additional trees in between. The Hadapsar Industries Association offer of financial support should be accepted, and they should develop and plant the park and establish a corpus fund for its long-term maintenance until PMC puts it to its ultimate use.
9. Flood-control to protect low-lying industries can be aesthetically effected by a jogging-track and drainage system constructed along required contours within this western plot, to act as a bund. Installation of graded exercise-equipment along the jogging track can additionally serve a sports-training function and perhaps bring in some funds for the maintenance of adequately dense greenery for 15-30 years. The basic park design for this water-logged dumpsite will be given by this Committee on receipt of a contour plan (1-meter-spacing) incorporating the proposed ultimate Plot boundaries and the Survey No. boundaries.
10. The PMC Council has already approved a 15-acre site at Mundhwa for relocation and stall-feeding of all stray pigs in the city. Incremental shifting with minimal resources is possible and must be done. The relocation of Hadapsar-area street pigs should begin immediately and be completed within 6 months. Segregated streams of cooked-food waste from canteens and hotels in Cantt and/or PMC can be provided at cost if required by the pig-keepers, who may be organised into cooperatives and involved in the collection activity as well.
11. The Urali-Devachi dump-site today is still surrounded by agricultural land. So there is ample opportunity and **a very urgent need to immediately declare a 500-meter No-Development Buffer-Zone** around it. The Committee earnestly desires that this Hon'ble Court may please issue suitable Directions to the District Collector and State Government in this regard.

Additional Documentation Required

The Committee felt the need for much additional information to be able to place the true facts before this hon'ble Court. The required information, listed in Anx - 3 was not readily available but was promised within 10 days. We pray that this hon'ble Court may give us an opportunity to make an in-depth study during a second visit to Pune and submit a comprehensive Final Report within one month of such Court directions.

Date:

S K Chawla

A Patel

Almitra H Patel

50 Kothnur, Bangalore 77





CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 96 OF 1999

DISTRICT: PUNEANNEXURE-R-2

Hadapsar Industrial Estate Environmental Group .. Petitioner

Versus

The President,  
Pune Cantonment Board & Ors. .. RespondentsAFFIDAVIT

I, Mr. Sanjeev Kumar, Chief Executive Officer of Respondent No 2 abovenamed, having his office address at Golibar Maidan, Shankerseth Road, Pune- 411 001, do hereby state on solemn affirmation as under.-

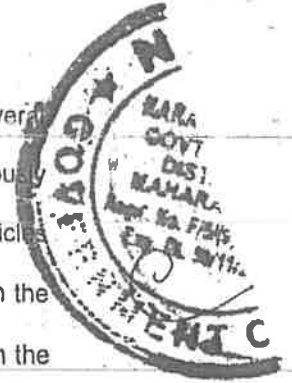
1. I say that I am the Chief Executive Officer and I have access to the records of the case and I am making this affidavit on the basis of said records.
2. I say that this affidavit is in addition to all the other affidavits filed on behalf of the Board earlier in the writ petition and same may be treated as part and parcel of record. I am filing this affidavit mainly to deal with the averments made in the Affidavit of the Maharashtra Pollution Control Board (Respondent No.8 herein) dated 23.3.2016.
3. With reference to paragraphs 1 to 3, I have no comments to offer.
4. With reference to paragraph 4, I say that while it is correct that the site is visited by the officials of the Respondent No.8 Board from time to time. I deny the statement that there is unscientific dumping of solid waste on the said 27 acres of land as alleged in the said paragraph. I say that the said report shows that it is contradictory to its own report

and also to the statement itself in the said paragraph which refers to vermi-composting plant. I also deny that there is no scientific dumping at the said site or that there is no scientific land filling at the site

5. It may be stated that the cantonment board has for the last several years been running 12 garbage collection vehicles which continuously go round the 8 wards of the cantonment. Till recently, the said vehicles continuously went through the wards from 7 in the morning till 5 in the evening giving an opportunity to the citizens to dump their waste in the said vehicles. Now the vehicles operate from 7 to 12 in the morning and 2 to 5 in the evening. Besides, there are 5 Skip Loaders which pick up the filled Containers from all 8 wards which are kept for the convenience of the residents. In addition thereto, there are also two Compactors which collect the garbage from all 8 wards.

6. It may be stated that pamphlets are also being distributed from time to time in the wards requesting the residents to segregate their waste since 2010 into bio-degradable waste such as kitchen waste and other non-bio-degradable waste such as papers, card board boxes, plastic bottles, etc., separately. Hereto annexed and marked as Exhibits "1" & "2" are the copies of pamphlets, which has been distributed to the residents.

7. Recently the Board has also resolved to provide two garbage bins to each and every household in the cantonment board for which tenders have been called from various suppliers and the Board is in the process of finalizing the awarding of the order and thereafter will be distributing these plastic garbage bins at the rate of two per household, so that each household can segregate the bio-degradable and non bio-degradable waste at the source itself. Hereto annexed and marked as Exhibit "3" is a copy of the quotation.



8. The Board has also installed a Vibro Screening Machine for screening the waste after giving bio- culture treatment and later using for vermin-compost since last 3 years. Around 15 casual labours and 2 machine operators are deployed for this work.


9. A 5 ton capacity of Shredder machine is purchased by the Board around 2 months before. The purpose of the said machine is to process the garbage waste and later convert the same into vermi-compost for processing waste collected from the following places:

- i) Shivaji Market
- ii) Kumbhar Bawdi
- iii) Ghorpuri Market

10. In addition to the above garbage collection vehicles, the Cantonment Board also runs 3 tipper trucks which also go round the wards of Cantonment Board to collect the waste from hotels and restaurants and the hotels and restaurants are also requested to segregate the waste. The said work of collection of garbage is being done from 07.00 am to 01.00 pm, 04.00 pm to 07.00 pm and further from 09.00 pm to 01.00 am in the morning on the next day.


11. It may be stated that these garbage collection vehicles and tipper trucks referred to above, have separate compartments to collect their bio-degradable and non bio-degradable garbage.

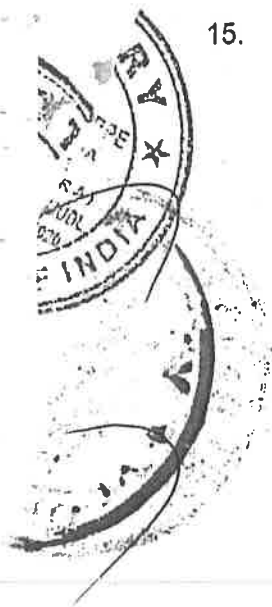
12. However, it is true that sometimes these trucks while offloading the garbage are not very careful and therefore to some extent, the bio-degradable and non bio-degradable garbage which is collected does sometimes gets mixed at the dumping site. However, the Cantonment Board is now in the process of ensuring stricter supervision at the time of emptying of the said vehicles at the dumping ground to see that this is remedied.



13. It may here to mention that the Cantonment Board has two plots viz., Survey No.298 and Survey No.120 which are on either side of the road at Mauje Hadapsar. The area of the plot bearing Survey No.298 is about 10 acres and the area of the plot bearing Survey No.120 is about 17 acres. As far as Plot Survey No.120 is concerned, the length of the plot facing the road is 887 feet and breadth of the plot approximately 779 feet and the said plot slants downwards heavily from the level at the road side breadthwise and the said level at present is around 15 feet lower than its level at the roadside. About 15 tons of segregated waste is being offloaded on this plot and the rag-pickers are allowed to take away plastic and other non bio-degradable waste and the bio-degradable waste is treated by a bio-degradable powder being sprinkled on the said garbage waste by the Cantonment through its contractors engaged for the said purpose and over a period of time, the said bio-degradable heap degrades and becomes less in height by several feet. Thereafter, with the help of bulldozers operated by the contractors, the said bio-degraded garbage is pushed over at the end of the plot where the depth of the plot is around 12 to 15 feet to fill the land and the said land-fill site which will take about 12 to 15 years to be filled-up.

14. As far as the other plot being Survey No.298 is concerned, admeasuring 10 acres approximately, it may be stated that initially for the last several years till the 1990s, the said ground had about 77 trenches of RCC vermi-culture bins each one of which is about 50 feet in length and about 20 feet in breadth approximately, however they are of several varying sizes and a chart of the said existing trenching ground was annexed to the Affidavit of Cantonment Board, which was annexed as an exhibit to the Affidavit of my predecessor, Mr. J.Sharma of January 1999.





15. After filing of the Petition and after the Interim Report dated 5.4.1999 and the Final Report dated 26.11.1999 which were made by the Committee appointed by the High Court consisting of Mr. S.K. Chawla and Mrs. Almitra Patel, the High Court by its order dated 4.10.2000 directed the Pune Cantonment Board to implement the short term recommendations. It may here be mentioned that by this time, both the Committee's Interim Report dated 5.4.1999 and the Final Report dated 26.11.1999 were before the Court and also the additional Affidavit of my predecessor, Mr. J. Sharma dealt with the observations in the Interim Report and Final Report. Pursuant to the said order of the High Court dated 4.10.2000, the Cantonment Board began work of implementing the short term measures recommended by the Committee appointed by the High Court and a further Affidavit was again filed by my predecessor dated 26.4.2001 in which the measures taken by the Cantonment Board were set out:-

- (a) A boundary wall was being constructed around the perimeters of the plot with a proper gate to monitor incoming vehicles and other modes of transport and to ensure that the ground was well protected to prevent entry of unauthorized persons, etc.
- (b) Approach road and internal roads were also being constructed for optimum utilization of the site and free movement of vehicles;
- (c) An office facility was also being constructed to maintain the record to monitor waste etc. Around 5000 trees were planted and all these measures were in consonance with the Municipal Solid Waste (Management and Handling) Rules, 2000.
- (d) Further, the manure yard was being leveled by contractors, Choudhary & Associates at an expense of Rs.1,25,000/- and a tender for vermi-culture compost had been called for with the lowest tenderer being Ajinkya Biofert with a tender of Rs.16,70,000/-. The High Court

was informed that the estimated cost of construction of the compound wall was Rs.18 lacs of which Rs.8 lacs that already been spent.



- (e) The High Court was also informed that the Board had incurred considerable expenses for implementing the short term measures and a total amount of Rs.40,12,000/- was being expended for implementing the said measures.



16. From time to time, the Vermi-culture compost pits were increased from 77 and today's stand at more than 130 to 140 composting pits. As a result of this effort of composting, the cantonment board is able to obtain about 10 tons of fertilizer a day which is sold in the market. It may be noted that the Pollution Control Board has in its report dated 4.3.2016 itself stated that the Cantonment Board was vermi-composting about 7 to 8 tons a day while in the second report dated 28.4.2016 there has been stated, about 12 to 15 tons of vermi-compost was prepared which is disposed off for sale.

17. As stated in their Affidavit, the Maharashtra Pollution Control Board (MPCB) authorized the site in question by its letter dated 17.9.2004 on terms and conditions contained in the said authorization which was valid till 30.9.2005. Subsequently the said authorization has been renewed from time to time. On 12.10.2015, the Pune Cantonment Board made an application to the Regional Officer of the MPCB giving their annual report in the prescribed form to the year 2014-15 and the compliance report in respect of the standards of ground and water ambient air, leachates, quality. The said letter dated 12.10.2015 is hereto annexed and marked as Exhibit "4". In reply thereto, the MPCB by its letter dated 21.1.2016, has extended the authorization till 31.12.2016 after which renewal is required to be sought. The said reply dated 21.1.2016 is annexed hereto and marked as Exhibit "5".

18. As far as the report dated 4.3.2016 is concerned annexed to the Affidavit of the MPCB, the MPCB has itself stated that there is vermi -

composting of 8 to 10 tons a day on plot bearing Survey no.298 and their only observation against the Board was Cantonment Board had dumped mixed waste and dry waste/ garbage was not separated. This is partially correct as sometimes the households do not segregate their waste properly as well as the drivers of the garbage collection vehicles and tippers are not careful while unloading their vehicles at the site which results in mixing of bio-degradable and non-bio-degradable waste However, corrective measures are being taken. The other report has been given by the MPCB on 20.4.2016 which shows that now the waste is being partially segregated. The said report dated 20.4.2016 is hereto annexed and marked as Exhibit "6".

19. Recently, the Board has published an advertisement in the local newspaper dated 30/04/2016 inviting proposals either on BOT basis or construction of processing plant to be constructed on Board's own resources for mixed solid waste from the Pune Cantonment operation and maintenance of the plant to be carried for 15 years and further another 15 years (total 30 years) having a capacity of 60 TPD to a maximum of 100 TPD.

20. The said garbage is properly segregated from source till the dumping ground and any deficiency therein will be attended properly by the Board.

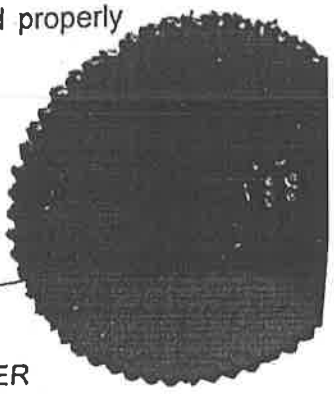
Solemnly affirmed at Pune )  
on this 10<sup>th</sup> day of June, 2016.)

*S.N. Khurpe*  
S. N. KHURPE  
Advocate

Before me,

Mulla & Mulla & Craigie Blunt & Caroe  
Partner  
Advocates for the Respondent  
Nos. 1 & 2

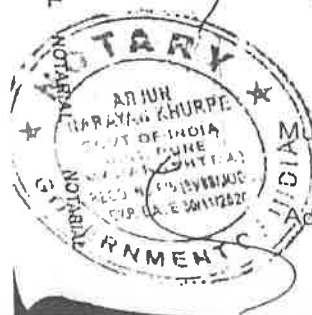
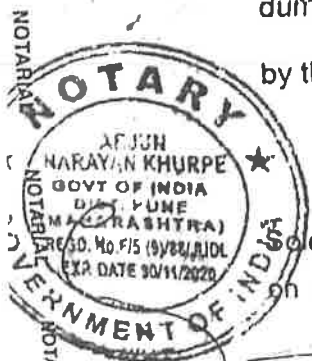
*Sanjeev Kumar*  
Affiant  
SANJEEV KUMAR  
CHIEF EXECUTIVE OFFICER  
PUNE CANTONMENT BOARD



BEFORE ME

*Arjun N. Khurpe*  
ARJUN N. KHURPE  
NOTARY, GOVT. OF INDIA  
PUNE

NOTED AND REGISTERED AT  
SERIAL NUMBER... 739/2016





2016:BHC-AS:17338-DB



1

WP.96/1999

### ANNEXURE-R-3

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 96 OF 1999

Hadapsar Industrial Estate  
Environmental Group 44,  
Hadapsar Industrial Estate,  
Pune-400 013.

...Petitioner

Vs.

1. The President,  
Pune Cantonment Board, Pune.
2. The Chief Executive Officer  
Pune Cantonment Board, Pune.
3. Pune Municipal Corporation, Pune.
4. The Commissioner,  
Pune Municipal Corporation, Pune.
5. The Mayor  
Pune Municipal Corporation, Pune.
6. Chief Wealth Officer  
Pune Municipal Corporation, Pune.
7. State of Maharashtra

8. Maharashtra Pollution Control Board  
Jog Center, 3<sup>rd</sup> Floor, Mumbai Pune Road,  
Wakdevadi, Pune – 411 003.

...Respondents

Mr. C.D. Nargolkar a/w. Ms. Seema K. Chopda  
with T.R. Yadav, Advocates for the Petitioner  
Mr. K.J. Presswala, Sr. Counsel a/w. Mr. Sandeep  
Goyal i/b. Mulla & Mulla & CBC for Respondent Nos. 1 & 2



Mr. Rajdeep S. Khadapkar for Respondents  
Mrs. Sharmila U. Deshmukh, Advocate for Respondent No.8



CORAM : SHANTANU S. KEMKAR &  
M.S. KARNIK, JJ.

Date of Reserving the Order : 30<sup>th</sup> June, 2016

Date of Pronouncing the Order: 20<sup>th</sup> July, 2016

**ORDER (PER JUSTICE M.S. KARNIK):**

1. The Petitioners are seeking appropriate directions to the Respondent No.1 Cantonment Board Pune to shift the Hadapsar garbage depot (herein after referred to as the "garbage dump" for short) more popularly known as the Cantonment dumping ground, outside the limits of Pune City.
2. The Petitioners have approached this Court with the case that since 1930, the said garbage dump is located in the industrial and residential area of Hadapsar which is one of the main suburb of Pune City. The said garbage dump admeasures 25000 sq, mtrs. is located on both sides of the Bombay Solapur Road which passes through Hadapsar.



3. The Respondent No.1 dumps truck-loads of garbage in the said garbage dump for the last several years. At one point of time the said dump was located on the outskirts of Pune City. As the City of Pune developed and with passage of time upon formation of Respondent No.3 Corporation in the year 1949 the said garbage dump came within the limits of the Respondent No.3.

4. As a result of all round development of Pune City the said dump is now surrounded with residential and industrial areas. The Respondent No.1 is carrying on uncontrolled garbage dumping activity, which results in foul smell, serious health hazards, nuisance of stray dogs and the ill-effects of pollution. According to the Petitioner, therefore, now that the garbage dump is located right in the heart of the City, surrounded by human habitation, same needs to be shifted and moved out.

5. The Respondent No.1 by filing a detailed affidavit states that the said dumping ground is used by them for over 90 years.



4

WP.96/1899



After establishment of the Respondent No.3, Pune Municipal Corporation, the Corporation itself permitted the industrial estate and residential area to come up around the said dumping ground. In fact the Respondent No.3 was keen to acquire the said dumping ground for industrial estate, which proposal was objected to by the Respondent No.1. Respondent No.3 did not proceed to acquire the said dumping ground. The land around it was however acquired.

6. The Respondent No.1 does not have any other land to discharge its statutory obligation of dumping waste generated in the Cantonment area except the said garbage dump. Moreover the Petition is motivated and filed at the instance of the owners of the land over which garbage dump is situated. They are making every possible attempt to evict Respondent No.1. The Respondent No.1 has abided by all short term and long term measures as directed by this Court from time to time, therefore, prayed for the dismissal of the Petition.

7. Respondent No.3 Corporation by filing an affidavit in reply

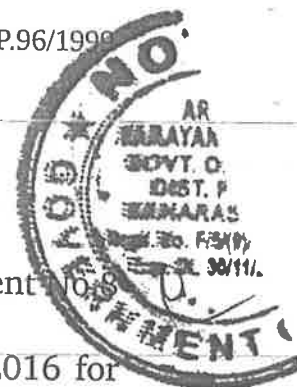


mainly pointed out that the Respondent No.8 Maharashtra Pollution Control Board had granted authorization to the Respondent No.1 to dump garbage. The Respondent No. 3 has been reminding Respondent No.1 from time to time to take precautionary measures to prevent nuisance by adhering to the Solid Waste Management Rules, 2000. According to the Respondent No.3 it is the responsibility of the Respondent No.8 to enforce the Rules and Regulations and take appropriate action for any breach thereof.

8. The Respondent No.8 has filed an affidavit stating the grant of authorization by them to Respondent No.1 Board from time to time in respect of the said site in question. The Respondent No.1 is dumping the solid waste in an unscientific manner. There has been a breach of the terms and conditions of the authorization for which appropriate directions have been issued to Respondent No.1 from time to time, but there is no compliance. The Respondent No.1 is not adhering to the Municipal Solid Wastes (Management and Handling) Rules, 2000 (herein after referred as Rules of 2000 for short), which



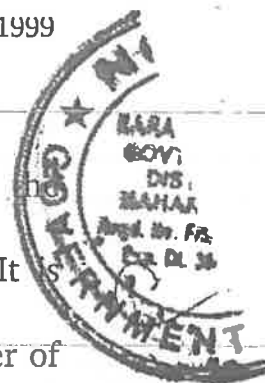
are equally applicable to the Pune Cantonment Board.



9. An additional affidavit is also filed by the Respondent No. 1 about issuance of show-cause notice dated 13<sup>th</sup> June, 2016 for closing the said dumping ground and for launching of the prosecution under Section 15 of the Environment Protection Act, 1986.
  
10. Heard the learned Counsels for the respective parties at length and we have also gone through the Interim orders passed by this Court from time to time. By an interim order dated 11<sup>th</sup> March, 1999 this Court appointed two member Committee of Mrs. Almitras H. Patel and Mr. S.K. Chawla to inspect the said garbage dump. This Court by the order dated 4<sup>th</sup> October, 2000 directed the Respondent No.1 to make efforts to implement short term recommendations made in the report submitted by the Committee. This Court also indicated that the Respondent No.1 may approach the Defence Estate Officer for allotment of land, which may be required with a view to implement short term recommendations.



11. The learned Counsel for the Petitioner submits that the area around the garbage dump is now completely developed. The said garbage dump is now surrounded with residential buildings on one side and the industrial estate on the other. The garbage is being dumped in an unscientific manner thereby causing health hazards and nuisance to the citizens, as a result of the foul stench, pollution related problems etc.
12. Learned Counsel invited our attention to the report of the two member committee, which suggested the shifting of the garbage dump to some other place. In the submission of the learned Counsel for the Petitioner the waste generated in the cantonment area cannot be dumped in the Pune Corporation area. It has to make its own arrangements for disposal of garbage and waste generated in the Cantonment area. Respondent No.3 Corporation has completely failed in its statutory obligation and are just not taking any action against the said garbage dump which is a major cause of nuisance to the residents of Hadapsar.



13. Learned Counsel for the Petitioner took us through the various orders passed by this Court from time to time. It is further submitted that the Respondent No.1 is not the owner of the land, but a lessee holding over. The said dump accumulates 30 to 35 MT of Municipal solid waste per day presently, which is effecting the health and hygiene of thousands of people staying around the area. According to the Report of Respondent No.8, 15 to 20 MT is taken for Vermi Composting and remaining 10 to 15 MT is dumped into trenching ground for land filling purpose. The open area dumping of garbage has created hundreds of birds in the sky, pigs and stray dog colonies, flies and stink and stench in the area apart from 'leachate' dirt water flowing on the roads in the industrial area.

14. It is further submitted that in view of the coming into force of the Solid Waste Management Rules, 2016 (herein after called Rules of 2016) in supersession of Rules of 2000 the Respondent No.1 has to strictly abide by the Rules of 2016. Respondent No.3 and Respondent No.8 must ensure strict



compliance of the Rules of 2016. The learned Counsel for the Petitioner, therefore, prayed that appropriate directions may be issued to the Respondent No.1 to ensure strict compliance of the Rules of 2016 and/or to close down the garbage dump.

15. Learned Counsel for the Respondent No.1 on the other hand submits that the said garbage dump admeasuring around 22 acres is almost a century old by now. The said garbage dump, which is situated at a distance of 4 to 5 kms away from the Cantonment Board is the only place available for dumping their garbage. The Respondent No.1 is the lessee and lawfully dumping the garbage pursuant to the authorization received from Respondent No.8 from time to time. Respondent No.1 has made every possible effort to abide by all the short term and long term recommendations, which are suggested by this Court. According to the learned Counsel for the Respondent No.1 the said garbage dump was situated far away from the outskirts of the Pune City. After formation of the Corporation in 1949, the industrial and residential area has come up around the said garbage dump. The permissions have been granted by



Respondent No.3 Corporation knowing fully well the existence of the garbage dump. The Petitioners, therefore voluntarily accepted the development around the garbage dump are not justified in now objecting to the said garbage dump and insisting that the same should be moved to some other place. The Respondent No.1 is willing to abide by all the statutory conditions, which may be imposed on them and which they are in any case obliged to fulfill. According to Respondent No.1 they are treating garbage in a scientific manner and in fact have formed trenches in the said land where garbage is collected and after treatment manure formed is collected by the Contractors.



16. Learned Counsel for Respondent No.1 submits that the Petition is filed at the instance of the owners of the land and is, therefore, motivated. Suit filed by the owners for recovery of possession is already dismissed, the appeal against which is pending. According to the Respondent No.1, therefore, the Petitioners have been set up by the land owners who want back their land at any cost.



17. Learned Counsel for the Respondent No.3 has submitted that the waste generated in the area of the Corporation is dumped at sites provided for that purpose and one site is at Devachi Urali. Respondent No.1 is dumping garbage pursuant to the authorization granted by Respondent No.8. The Respondent No.3 is not responsible for disposal of the garbage collected by the Respondent No.1 though the same is dumped in the Corporation area. According to the learned Counsel it is for Respondent No.8 to initiate appropriate action against Respondent No.1, if there is any breach of authorization. Respondent No.3 has very limited powers to act against the Respondent No.1 in view of the authorization granted by Respondent No.8.

18. Learned Counsel for the Respondent No.3 would further submit that Respondent No.3 is not the local body for the dumping site and it is for the Respondent No.1 to deal with their garbage. Respondent No.1 has been dumping the garbage for so long number of years and the Respondent No.3 has no authority



what so ever to decide about the allocation of the land in question. If any provisions of the Maharashtra Municipal Corporation Act 1949 are breached, only then the Respondent No.3 can act against the Respondent No.1, but the powers are very limited.



19. The learned Counsel for Respondent No.8 would submit that the Respondent No.1 is duty bound to follow the Rules of 2000, and presently the Rules of 2016. The Respondent No.8 has issued authorization in respect of the site in question from time to time and appropriate action has been taken for any breach thereof. According to the learned Counsel for Respondent No.8 even a show-cause notice for closure of dumping site is issued as the Respondent No.1 is not processing the garbage and waste in scientific manner as provided in the Rules of 2000 and 2016. Respondent No.8 would continue to take appropriate action against the Respondent No.1 for any breach or violation of the Environment Protection Act and violation of Municipal Solid Waste (Management and Handling) Rules, 2000 as well as Rules of 2016.



20. We have given our anxious consideration to the submissions advanced by the learned Counsels for the respective parties. We find that there is no disputing the fact that the Respondent No.1 is using the site in question as a garbage dump for more than 90 years. It is true that initially the said garbage dump was way away from the Pune City. The industrial area and the residential colonies have come up around the garbage dump only after establishment of the Pune Municipal Corporation in 1949. It is also not disputed that pursuant to the permissions granted by the Respondent No.3 for development of the area of Hadapsar large number of people are residing around the garbage dump. On one hand Respondent No.1 contends that they have been dumping garbage for last more than 100 years, which otherwise was away from city limits and the Corporation has allowed the residential colonies to come up around the garbage dump, and on the other hand the Petitioners contend there are large number of residents living around the said garbage dump who are entitled to every right to enjoy a clean and hygienic surrounding. Reiterating the observation of



14

WP.96/1999

this Court in its order dated 28<sup>th</sup> March, 2001, this being a Public Interest litigation, we are interested in seeing to it that the public interest does not suffer, and at the same time, the authorities act within the bounds of their jurisdiction.



21. As noticed earlier the rules of 2000 are now superseded by the Rules of 2016 from 8<sup>th</sup> April, 2016. The said rules have been framed in exercise of the powers conferred by Section 3, 6 and 25 of the Environment (Protection) Act 1986 (herein after referred to as the said Act for short). The said Rules of 2000 came into force for the first time with effect from 25<sup>th</sup> September, 2000. Though the Rules of 2000 have now been superseded, it is nevertheless material to refer to some of the provisions of Rules of 2000 which are reproduced hereunder:

**“Rule 3. Definitions:**

(xi) “Landfilling” means disposal of residual solid wastes on land in a facility designed with protective measures against pollution of ground water, surface water and air fugitive dust, wind-blown litter, bad odour, fire hazard, bird menace, pests or rodents, greenhouse gas emissions, slope



*instability and erosion.*

*(xiv) "Municipal Authority" means Municipal Corporation, Municipality, Nagar Palika, Nagar Nigam, Nagar Panchayat, Municipal Council including notified area committee (NAC) or any other local body constituted under the relevant statutes and, where the management and handling of municipal solid waste is entrusted to such agency".*

22. Rule 4 provides for the Responsibility of Municipal Authority. The Schedule III provided for specification for landfill sites.

The said Rules of 2000 provided the manner in which the landfill sites are to be selected, facilities at the site, specifications in the land filling, pollution prevention, water quality monitoring, ambient air quality monitoring and closure of landfill site and post-care. Said Rules have laid down various standards for composting, treated leachates and incineration.

23. We find that a very comprehensive and elaborate procedure is laid down in the Rules of 2000. The Respondent



No.8 having granted the authorization from time to time under the Rules of 2000, have not ensured strict implementation of the said Rules of 2000 by the Respondent No.1. The Respondent No.8 has in its affidavit in reply in clear terms stated that the Respondent No.1 has committed several breaches of the conditions of authorization and even a show cause notice for closure has been issued. Respondent No.8 is statutorily bound to take action in respect of the show cause notice issued and take the same to its logical conclusion. Though the Respondent No.8 has observed breaches of its authorization from time to time it has fell short of strict compliance of the Rules of 2000 by Respondent No.1.

24. Be that as it may, now the Rules of 2016 have superseded the Rules of 2000. Respondent No.1 though has stated about the manure yard set up at the said dumping ground and the number of vermiculture pits are increased from 77 to 140, these measures definitely fall short of the Rules of 2000. For the breach of the Rules of 2000 the Respondent No.8 may proceed in accordance with law.



25. Having regard to the fact that the garbage dump is in existence for more than 100 years, we deem it proper to examine the issue in the light of the Rules of 2016. For the following reasons we are inclined to direct the Respondent No.1 to ensure strict compliance with the Rules of 2016. We are also inclined to direct Respondent No.8 to take all possible steps and actions against Respondent No.1 for any failure to adhere to the Rules of 2016.

26. Some of the relevant provisions of Rules of 2016 are reproduced thus:

***“Rule 3 Definitions:***

**3(16) “disposal”** means the final and safe disposal of post processed residual solid waste and inert street sweepings and silt from surface drains on land as specified in Schedule I to prevent contamination of ground water, surface water, ambient air and attraction of animals or birds;

**3(20) “dump sites”** means a land utilized by local body for disposal of solid waste without following the



*principles of sanitary land filling;*

*Rule 3(30) "Local Body" for the purpose of these rules means and includes the municipal corporation, nagar nigram, municipal council, nagarpalika, nagar Palikaparishad, municipal board, nagar panchayat and town panchayat, census towns, notified areas and notified industrial townships with whatever name they are called in different States and union territories in India;*



*3(33) "Operator of a facility" means a person or entity, who owns or operates a facility for handling solid waste which includes the local body and any other entity or agency appointed by the local body.*

*3(40) "Sanitary land filling" means the final and safe disposal of residual solid waste and inert wastes on land in a facility designed with protective measures against pollution of ground water, surface water and fugitive air dust, wind-blown litter, bad odour, fire hazard, animal menace, bird menace, pests or rodents, greenhouse gas, emissions, persistent organic pollutants slope instability and erosion;*

*3(56) "Waste generator" means and includes every person or group of persons, every residential premises and*



*non residential establishments including Indian Railways, defense establishments, which generate solid waste;*

***Rule 11 Duties of the Secretary-in-charge, Urban development in the States and Union territories:***

*(d) it provides that the Director of Municipal Administration or legal body shall provide the Secretary, Urban Development Department in the state or Union territory through the Commissioner or Director of Municipal Administration or Director of local bodies shall ensure implementation of provisions of these rules by all local authorities.*

*(f) ensure identification and allocation of suitable land to the local bodies within one year for setting up of processing and disposal facilities for solid wastes and incorporate them in the master plans (land use plan) of the State or as the case may be, cities through metropolitan and district planning committees or town and country planning department;*

*(j) facilitate establishment of common regional sanitary land fill for a group of cities and towns falling within a distance of 50 km (or more) from the regional facility on a cost sharing basis and ensure professional*



20

WP.96/1999



*management of such sanitary landfills;*

**Rule 12 Duties of District Magistrate or District Collector or Deputy Commissioner:** The District Magistrate or District Collector or as the case may be, the Deputy Commissioner shall,

(a) facilitate identification and allocation of suitable land as per clause (f) of rules 11 for setting up solid waste processing and disposal facilities to local authorities in his district in close coordination with the Secretary-in-charge of State Urban Development Department within one year from the date of notification of these rules;

(b) review the performance of local bodies, at least once in a quarter on waste segregation, processing, treatment and disposal and take corrective measures in consultation with the Commissioner or Director of Municipal Administration or Director of local bodies and secretary-in-charge of the State Urban Development.

**Rule 15 Duties and responsibilities of local authorities and village Panchayats of census towns and urban agglomerations –** The local authorities and Panchayats shall-



(v) facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilization of various components of solid waste adopting suitable technology including the following technologies and adhering to the guidelines issued by the Ministry of Urban Development from time to time and standards prescribed by the Central Pollution Control Board. Preference shall be given to decentralised processing to minimize transportation cost and environmental impacts such as –

a) bio-methanation, microbial composting, vermi-composting, anaerobic digestion or any other appropriate processing for bio-stabilisation of biodegradable wastes;

b) waste to energy processes including refused derived fuel for combustible fraction of waste or supply as feedstock to solid waste based power plants or cement kilns;

(w) Undertake on their own or through any other agency construction, operation and maintenance of sanitary landfill and associated infrastructure as per Schedule 1 for disposal of residual wastes in a manner prescribed under



WP.96/1999

these rules:

(zh) Stop land filling or dumping of mixed waste soon after the timeline as specified in rule 23 for setting up and operationalisation of sanitary landfill is over.



**Rule 16 Duties of State Pollution Control Board or Pollution Control Committee:** (1) The State Pollution Control Board or Pollution Control Committee shall -

(b) Monitor environmental standards and adherence to conditions as specified under the Schedule I and Schedule II for waste processing and disposal sites;

(c) Examine the proposal for authorisation and make such inquiries as deemed fit, after the receipt of the application for the same in Form I from the local body or any other agency authorised by the local body;

(d) While examining the proposal for authorisation, the requirement of consents under respective enactments and views of other agencies like the State Urban Development Department, the Town and Country Planning Department, District Planning Committee or Metropolitan Area Planning Committee, as may be applicable, Airport or Airbase Authority, the Ground Water Board, Railways, power



distribution companies, highway department and other relevant agencies shall be taken into consideration and they shall be given four weeks time to give their views, if any;

(e) Issue authorisation within a period of sixty days in Form II to the local body or an operator of a facility or any other agency authorised by local body stipulating compliance criteria and environmental standards as specified in Schedules I and II including other conditions, as may be necessary;

(g) Suspend or cancel the authorisation issued under clause (a) any time, if the local body or operator of the facility fails to operate the facility as per the conditions stipulated;

**Rule 19 Criteria for Duties regarding setting-up solid waste processing and treatment facility-**

(1) The department in-charge of the allocation of land assignment shall be responsible for providing suitable land for setting up of the solid waste processing and treatment facilities and notify such sites by the State Government or Union Territory Administration.

(2) The operator of the facility shall design and set up the facility as per the technical guidelines issued by the Central



WP.96/1999

~~Pollution Control Board in this regard from time to time and~~  
the manual on solid waste management prepared by  
Ministry of Urban Development.



**Rule 22 Time frame for implementation-** Necessary infrastructure for implementation of these rules shall be created by the local bodies and other concerned authorities, as the case may be, on their own, by directly or engaging agencies within the time frame specified.

#### **Schedule I Specifications for Sanitary Landfills.**

##### **A. Criteria for site selection.-**

(i) The department in the business allocation of land assignment shall provide suitable site for setting up of the solid waste processing and treatment facilities and notify such sites.

(iv) Landfill sites shall be set up as per the guidelines of the Ministry of Urban Development, Government of India and Central Pollution Control Board.

(v) The existing landfill sites which are in use for more than five years shall be improved in accordance with the specifications given in this Schedule.



(vi) The Landfill site shall be large enough to last for at least 20 – 25 years and shall develop 'landfill cells' in a phased manner to avoid water logging and misuse.

(vii) Landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority / Air force as the case may be.

(viii) The sites for landfill and processing and disposal of solid waste shall be incorporated in the Town Planning Department's land-use plans.

(ix) A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five tonnes per day of installed capacity.

The said Rules provide the criterias for development of facilities at landfilling sites. Criteria for specifications for landfilling operations and closure on completion of landfilling is also laid down.

**Criteria J in Schedule I provides for Closure and Rehabilitation of Old Dumps – Solid waste dumps which have reached their full capacity or those which will not**



receive additional waste after setting up of new and properly designed landfills should be closed and rehabilitated by examining the following options;



**Schedule II provides for the standards of processing and treatment of solid waste.**

**Form – I is the application for obtaining authorisation under solid waste management rules for processing / recycling / treatment and disposal of solid waste.**

**Column 5 provides for site clearance (local body) amongst other things.**

27. The Rules of 2016 are, therefore, very elaborate and the same have to be strictly followed. The Counsel for the Respondent No.1 has in all fairness not disputed the applicability of the Rules of 2016. According to him the provisions are being implemented in a phased manner and some time is needed for compliance.

28. The Respondents are bound to undertake the exercise of determining whether the said garbage dump is a suitable site within the meaning of Schedule-I of the said Rules of 2016. The



Respondent Nos. 7 & 8 have also to ensure that the criteria for setting up the solid waste disposal facility / composting plant and / or the waste disposal method at the said garbage dump satisfies the criteria laid down in Schedule-I and Schedule-II of the Rules of 2016, which of course, is in addition to the other mandatory and statutory requirements.

29. As noted earlier the Respondent No.1 is using the said site as a garbage dump for last so many years. Even under the Rules of 2000 neither the Respondent No.7 nor Respondent No.3 has taken any steps to find out whether the said land qualifies the specifications for landfill / solid waste disposal sites under Schedule III of the Rules of 2000. In Writ Petition No. 1740 of 1998, this Court had in the context of 2000 Rules, by an order dated 2<sup>nd</sup> April, 2013 issued various directions to the Local Authorities throughout the State of Maharashtra. Now that the Rules of 2016 are in place, it is mandatory for the Respondent No.1 to strictly abide by the Rules of 2016. The Respondent No.3 Corporation also being a Local Authority within whose limits the garbage of Respondent No.1 is dumped is duty bound



to ensure strict compliance of the Rules of 2016.

30. In this view of the matter the following directions are issued:



(i) The Respondent Nos. 7 & 8 are directed to ensure strict compliance of the Rules of 2016 by the Respondent No.1.

(ii) The Secretary-in-charge of the Urban Development Department of the Respondent No.7 to decide whether the said garbage dump is a suitable land within the meaning of Rules 11 and 12 and Schedule I of the said Rules of 2016. This decision be taken within a period of 6 months from the date of communication of this order.

(a) While arriving at this decision the Secretary-in-charge of the Urban Development Department should afford necessary opportunity of making representation and hearing to the Respondent Nos.1, 3 & 8 and the Petitioner.



(b) In the event Respondent No. 7 notice that the site (garbage dump) has exceeded its capacity, the same shall be closed down as per the procedure under the said Rules of 2016.

(c) In the event an adverse order to the Respondent No.1 is passed, the said order shall not be acted upon for a period of 16 weeks from the date of communication of the said order.

(d) All contentions of the Respondent No.1 are kept open and we shall not be understood to have expressed any opinion on the merits of the controversy.

(iii) In the event the land on which the garbage dump is situate is found to be suitable, the criteria for improvement of the existing landfill / solid waste disposal site in accordance with the specifications laid down in Schedule-I and/or Schedule-II to the Rules shall apply and



the development of the facilities at the said site shall be in accordance with the criteria provided in Schedule-I and/or Schedule-II. The Respondent Nos. 3, 7 & 8 shall ensure strict compliance by Respondent No.1 as mandated Rule 11 of the Rules of 2016.



(iv) The Respondent No.1 shall make an application / submit a fresh proposal for authorization to the Respondent No.8 in accordance with the Rules of 2016 within a period of 4 weeks from today.

(v) The Respondent No.8 is directed to examine the proposal for authorization so submitted by the Respondent No.1 and make inquiries to ensure that the said proposal / application is in strict conformity with the Rules of 2016.

(vi) The Respondent No.8 is directed to obtain consents and views of other agencies as contemplated by Rule 16(d) of the Rules of 2016 while examining the said proposal.



(vii) In the event the authorization is granted, the Respondent No.8 is directed to monitor the said facility (the garbage dump) to ensure that it is in compliance with the conditions of authorization. If the Respondent No.8 notices any breach of the conditions, appropriate action in accordance with law be instituted against Respondent No.1.




(viii) The Respondent No.3 Corporation is directed to initiate appropriate action against Respondent No.1, if the Respondent No.1 contravenes any of the provisions of the Maharashtra Municipal Corporation Act, 1949 and the Rules framed thereunder.

(ix) Writ Petition is accordingly disposed of with no order as to costs.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)



 <p>150 YEARS OF CELEBRATING THE MAHATMA</p>	<p>पुणे छावनी परिषद, भारत सरकार, रक्षा मंत्रालय गोलीबार मैदान पुणे 411001</p>	 <p>सत्यमेव जयते</p>	<p>Pune Cantonment Board Govt. of India, Ministry of Defence, Golibar Maidan, Pune 411001</p>	 <p>200 YEARS 1874-2024</p>
<p>दूरभाष संख्या : 020-26452159 पत्र संख्या : NO SWM/2024 -25</p>		<p>हर काम देश के नाम ई-मेल आई डी : ceopunecantt@gmail.com दिनांक : 16/05/2024</p>		

### ANNEXURE-R-4

To,  
The Regional Officer (SRO-II),  
Maharashtra Pollution Control Board,  
3<sup>rd</sup> Floor Jog Centre Building,  
Wakdewadi, Mumbai Pune Highway  
Pune -411003.

**SUBJECT: PROPOSED DIRECTIONS UNDER SECTION 31 A OF THE AIR  
(PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.**

Reference your letter No. MPCB/ROP/Non-Compliance-SWM/PD/2405020007  
dated 02.05.2024.

This Board is fully aware of the fact that it is obligatory on its part that it is responsible for processing and the disposal of solid waste, to comply with the provision of Solid Waste Management Rule, 2016. The duties as specified under Rule 15 of the SWM Rules, 2016 are being rigidly complied with. It had been already reported by this Board that since more than 2 years back the processing plant for processing of SWM into RDF and compost has been installed and is functioning satisfactorily. The Board has completed said project on BOT basis and the concessionaire of the project is required to carry out operation and maintenance of processing plant under the terms of the contract. The guidelines issued by the Ministry of Urban Development are being adhered to in the procedure for operation in the processing plant. The Annual Report in Form IV as prescribed under Rule 24(2) is being submitted regularly within time in the prescribed form by your Board.

The Authorization for the said project had lapsed on December 2021 and accordingly applications for fresh authorization were submitted vide application No. 00712 dated 10.11.2021 and application No. 00851 dated 30.12.2022. A fresh proposal with all requisite documents for authorization of 200 TPD was submitted online vide Application No. 00874 dated 08.05.2023, which was for combined capacity for the plant for PCB and PMC.

As provided for under Rule 15(v) the Board is required not only to provide for Solid Waste Processing facilities, but also other associated infrastructure facilities are required to be provided either by the Board or private sector participation as per the guidelines issued by the Ministry of Urban

Development from time to time. This Board has held several discussions and deliberations on the issue of provision of Sanitary Landfill, Bio Mining, and provision of additional plant for the PMC. The Board has also submitted proposal to the Central Government for SWM works under the Swachata Action plan for seeking grants under Major Head 205 and Minor Head Grant in Aid. In this context an agreement has been finalized with the PMC with regard to the following urgent Solid Waste Management projects to be executed on the site as elucidated as under:

- a. Design supply, Installation Commissioning and operation and maintenance for a period of 15 years of 100 MTP mixed waste processing plant including Design, supply and construct collection and treatment of leachate by RO plant at S. No 298, Hadapsar Pune.

The project involves installation of 100 TPD processing plant for conversion of MSW from the municipal area into RDF and compost. The said plant has been installed adjoining to the existing 50 TDP processing plant of the Board. The requisite machinery has been installed as per the norms of the Pollution Control Board and the plant will cater for the waste of the PMC area. The expenditure involves the design, supply, installation and commissioning of the plant which be borne by the PMC. It is pertinent to note that provision has been made in the scheduled tender documents for disposal of leachate and for concreting of the addition land required for uploading of MSW. The work has been completed and the project has been under taken. The expenditure for the additional capacity of the plant and its maintenance and its tipping fees with electrical charges will be borne by the PMC.

- b. Operation and maintenance of MSW plant.

It may be noted that the operation and maintenance of the 100 TPD processing plant for a period of 15 years has been provided for in a separate contract with the PMC for which specific conditions are stipulated and highlighted as under:

- I. The system for conveyance of the rejects from the processing plant site shall be disposed into scientific sanitary landfill to be constructed at the adjacent vermiculture site land by reclamation and by Bio-Mining process.
- II. The necessary report/sample/analysis in respect of the processing treatment facility should be submitted in the Annual Report in the

prescribed from within the stipulated time to your Board as required under the Rules 2016.

- III. The contractor should ensure that the standards of processing and treatment of solid waste as laid down in Schedule II of the SWM Rules 2016 are complied. The contractor also ensure that the various parameters as laid down for processing technology particularly with respect to treated adhered to the provision specified in the SWM Rule 2016.

The tender for the above work has been accepted by the Board and the contract agreement for the project has been finalized.

- c. Scientific dump site and development of Scientific Landfill at trenching ground Hadapsar Pune.

The construction of the Sanitary Landfill is a mandatory requirement and the specific terms and condition after the setup of the processing plant specify that the operating processing facility should provide for a secured Sanitary landfill. The disposal of the non-degradable inert waste, processing rejects and residues from the waste processing facilities of the existing 50 TPD plant of the Board and in the 100 TPD plant of the PMC will be catered for in the Sanitary Landfill.

The cost of expenditure involved in the project will be borne by the PMC. As per the Joint Agreement with the PMC the Landfill site will be utilized in the ratio of 70% (PMC) and 30% (PCB).

- d. Provision of Sanitary Landfill.

The Board is required to setup a common or stand-alone Sanitary Landfill for the disposal of inert and residual waste from the processing plant as well as untreatable inert waste permitted under the rules as specified under Rule 22(9). The joint project proposed to be undertaken will resolve from the said from existing 50 TPD processing plant of the Board as well as from the proposed 100 TPD plant constructed at the site for the PMC.

The Sanitary Landfill has been planned and designed and is being developed with proper documentation of construction plan as well as in a closure plan in a phased manner. The advantage of the sanitary landfill is the same as it is located in the closed vicinity of the processing plant of the nearby plot so as to form an integral part of the project. The buffer

zone of no development is being maintained around the pits of Sanitary Landfill. It has been so planned so as to have waste inspection facility to monitor waste to the landfill. As per Rule 22 of the SWM Rules, 2016 the time for implementation of the Sanitary Landfill has been specified. The work is in good progress.

It has been pointed out in sub para (4) of the letter under reference that this Board has started construction work of the Sanitary Landfill site without obtaining Board's authorization.as regards with the authorization from MPCB the following application have been submitted to the MPCB Portal and the same is under consideration. The details are as under:-

Sr No.	UAN No.	Application Type
1.	MPCB-MSW_AUTH-0000000874	MSW Authorization
2.	MPCB-MSW_AUTH-0000000987	SLF Authorization

As requested in your letter dated 07.03.2024, this office has arranged VC meeting on 22.03.224 for the discussion on the ongoing project at the site of Trenching Ground, Hadapsar through the joint Venture Of PMC and PCB. It is also requested that the follow up with the MPCB's Authorities for grant of early authorization is awaited.

e. Operation and maintenance of the Scientific Landfill.

The work of construction of the sanitary Landfill will be completed as per the contract and as per the detailed drawing prepared by the consultant appointed by the Board. The requisite maintenance of the land fill will be carried out as specified in the SWM Rules, 2016 and action taken thereon under the operation maintenance contract.

f. Land Reclamation through Bio-mining.

In order to undertake the Bio-Mining project it is necessary to undertake Land Reclamation by way of Bio-Mining of the existing legacy waste which has accumulated at the site so that the Scientific Landfill work can be undertaken in its place. The tender for the work has been already invited by the Board and necessary Contract Agreement and the Work Order has been issued. The expenditure involved for the project will be borne by the Board. The legacy waste from the Sanitary Landfill site will be also be cleared by bio mining, in addition to the legacy waste of the trenching ground site.

The project has been undertaken during the current financial year and will be completed in the time bound manner.

The detail report in respect of the fire incident which occurred on the site on 8<sup>th</sup> April, 2024 as asked for in sub para (1), (2),(3) and (5) of the letter under reference are submitted as under.

Due to the present summer season and prevalence of severe atmospheric heat, it regretted that a fire broke out on certain heaps of rejects on 8<sup>th</sup> April, 2024. The staff of PCB fire brigade department reached on site within next 20-30 min and before the fire brigade staff of PMC who also responded shortly. All the staff of PCB were present on front to control the fire, which includes Chief Health Superintendent, Fire Brigade Superintendent, Astd. Executive Engineer (Electricals), Astd. Executive Engineer (Civil) and Health Inspector.

It has been erroneously mentioned in sub para (2) that we have not taken effective steps to avoid garbage burning and fire incidences issues in the Cantonment area. As a matter of fact the eruption of fire on the garbage bins was an occurrence purely due to high atmospheric temperature this Board does not carry out burning of solid waste in Cantonment Limits which has been banned.

The Board has received support from PMC fire brigade department and solid waste department of the staff of the Board, but the fire spread on a large scale throughout all the heaps of rejects at trenching ground which was causing to difficulty to control the fire and subdue the smoke. We received consistent support from PMC only for initial two days and after that no support was received from PMC, PCB Staff had taken various measures to control fire at Trenching Ground like spraying of water continuously, separation of waste heaps, removable of inflammable materials etc. Needless to say that, PCB is regularly spraying water since the start of summer season i.e. 01.03.2024 but as it is noticed that this year there is sudden temperature rise in environment, which has caused the said fire incident due to adverse atmospheric conditions. At present the fire has subsided.

The details of the emergency management plan as asked for under sub para (3) have been undertaken as under

- i. The Board has been providing a fire engine with a water tanker as a stand by arrangement at the trenching ground site at the

commencement of the summer season and shall be maintained at the site till the end of the season. At the same time the existing circular masonry tank in the trenching ground will be provided as a water tank to make water available for quenching fire. In cases as and when necessary the requisite water supply lines will be provided to conveniently quench the fire as required. In locations where fire has occurred and soil filling to block oxygen will be carried out.

- ii. The solid waste management works as mentioned above will resolved to ensure compliance of all the SWM Rules 2016. Moreover, after the completion of the above works there will be no accumulation of legacy waste or inert waste at the site. The clearance of all such materials shall ensure non accumulation of leachate problems and preventing any fire incidents. The atmospheric condition of the surrounding Municipal area as well as the Hadapsar Industrial Estate can be earmarked in the Swachata Plan.
- iii. The Board going to provide for 06 Nos CCTV cameras at the site to monitor incidents of the fire.
- iv. It is proposed to provide to utilize the existing machinery tank at the site which will be made functional and provided for round the clock water connection. At the same time arrangements for firefighting on the tank is under process.
- v. It is proposed to provide foggers at the site for which their installation at the site is being studied on technical point of view.
- vi. It is once again confirmed that the fire engine and the water tank lorry shall be deputed exclusively at the trenching ground site for incidents of fire. Provision is also being made for staking of earth to block the oxygen at the site to immediately take action on occurrence of fire. The staff of the Board have also been allotted presently at the site for filling up the patches with soil where fires had occurred

It has been specified under sub para (5) that this Board has dumped in Cantonment area Solid Waste unscientifically without segregation which is not correct. The NGO organization appointed by the Board namely Swach Pune Seva Sahakari Sanstha Ltd. and Janwani have been strictly directed to segregate the waste at the time of Door to Door Collection and cart the same to the processing plant for processing.

It has been stated in the letter under reference that the burning /illegal dumping unscientifically of solid waste in industrial area, the nuisance of Air

pollution was caused. This aspect has been totally misunderstood by the complainants of the Magarpatta area under their complaint received by mail. They have been suitably informed to remove such misunderstanding from their minds as the area concerned is outside the Cantonment Limits. The copy of the action taken so far by the Board and letter submitted by Mail to them is enclosed.

In view of the detailed clarifications submitted above, the conclusions arrived in the letter under reference that this Board has failed to comply with the conditions prescribed in the MSW authorization, provisions of the Air (Prevention and Control of Pollution) Act, 1981 and causing air pollution into the environment. In view of the fact that this Board is complying with the provisions of the SWM Rules, 2016, and having undertaken the basic Solid Waste Management projects, the non-compliance of this Board is misinterpreted.

In view of the forgoing it is requested that the proposed directions as listed below may kindly be dropped.

- a. Filing of prosecution against the persons who are responsible for the day to day affairs of the Board under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 read with Environment (Protection) Act, 1986.
- b. The Question of Non levy of Environmental compensation against the Board may please be dropped.
- c. The non-submission of stringent action against the Board.

The ongoing Solid Waste Management projects already undertaken at the site are the long term measures which have been initiated by the Board to achieve the target of an SWM site complying with all the regulations and guidelines.

Your Sincerely



Chief Executive Officer  
Pune Cantonment Board  
(Subrat Pal)

Encl: Same as above





135



PUNE CANTONMENT BOARD  
**BHUMI GREEN ENERGY**  
UNIT III  
**RDF & COMPOST PLANT**  
SOLUTION FOR WASTE YOU CAN TRUST  
PUNE

