

**BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN
BENCH, PUNE AT PUNE
ORIGINAL APPLICATION NO. 119 OF 2022 (WZ)**

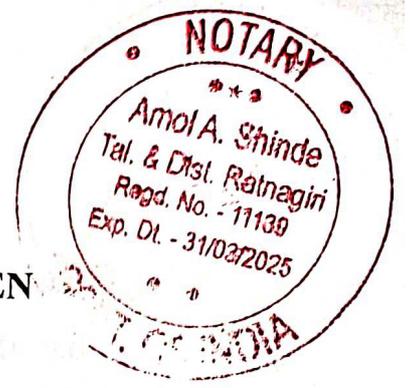
SHRI. SANJAY DHONDEV JOSHI & ANR ...APPLICANTS

Versus

STATE OF MAHARASHTRA & ORS ... RESPONDENTS

I N D E X

SR. NO.	PARTICULARS	PAGE NO.
1.	Reply on behalf of Respondent no. 4	264-269
2.	<u>ANNEXURE-A</u> is the copy of order dated 20/11/2020 passed by Respondent no. 4	270-274



BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL

WESTERN ZONE BENCH, PUNE AT PUNE

Original Application No. 119/2022(WZ)

Sanjay Dhondev Joshi and Anr. ...Applicants

Versus

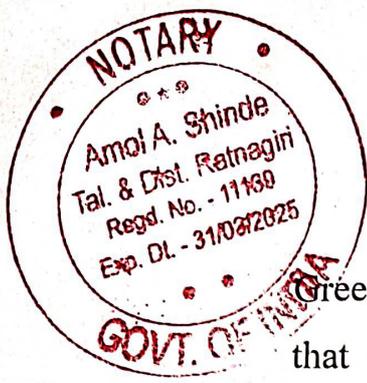
State of Maharashtra and Others ...Respondents

REPLY ON BEHALF OF THE RESPONDENT NO. 4

TO,
THE HON'BLE CHAIRPERSON
AND THE OTHER HON'BLE MEMBERS
OF THE NATIONAL GREEN TRIBUNAL

MOST REPECTFULL SHEWETH

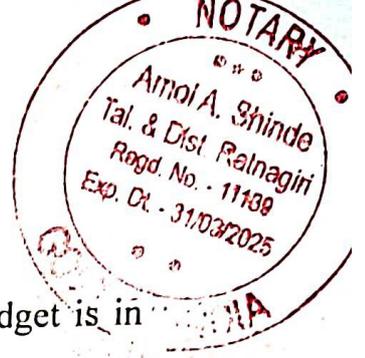
1. The Respondent no. 4 states that all the contentions, allegations and statements made by the Applicants in the present Application are denied and nothing therein shall be deemed to be admitted by the Respondent No. 4, by reason of non-traverse or otherwise, unless specifically admitted herein.
2. The Respondent no. 4 states that the present Application has been filed by the Applicants under the provisions of Section 18(1) r/w Sections 14, 15, and 17 of the National



Green Tribunal Act, 2010. The Applicants are contending that the Respondents no. 4 to 9 being the Municipal bodies have not taken any care to prevent water pollution and have also contended that any of the Municipal Councils do not have water treatment plants.

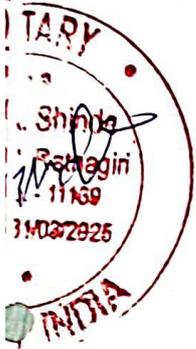
3. The contentions raised by the Applicants in the para no. B of the Application is that, the Applicant have received information on 07/12/2021 under RTI that the Respondents do not have any water treatment facilities and entire water is discharged to the rivers and or in sea. The Respondent No. 4 states that the Respondent no. 4 belongs to class C Municipal Council. It is semi government organization and the Municipal council has to depend on the funds received from the government for the development of infrastructure facilities.
4. The Respondent no. 4 states that Respondent no. 4 vide its order dated 20/11/2020 bearing outward no. RNP/SB/496/3636 appointed Planitech Consultants, Sadashiv Peth, Pune to prepare a detailed project report for construction of underground sewer channel and sewage treatment plant for management of waste water generated in the city. Hereto annexed and marked as ANNEXURE-A is the copy of order dated 20/11/2020 passed by Respondent no. 4.
5. The Respondent no. 4 states that, the preliminary survey work of the said project is being completed and the work

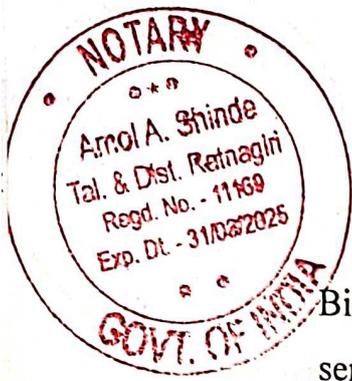




for preparing the detailed project report and budget is in progress. The Respondent no. 4 states that after receiving the detailed project report and budget, the office of Respondent no. 4 will proceed to submit the proposal for government approval as well as funding approval.

6. The Respondent No. 4 states that the Respondent no. 4 is well aware of the rules and shall make an endeavor to comply with the procedures and rules of the Act.
7. Considering the said matter, we do not agree that the applicant is drawing the conclusion that the municipal council is indifferent towards the process of sewage and for that Respondent number 1-2&3 should take action against the municipal council. The municipal council is a semi-governmental organization and since the municipal council has to depend on government funds for the development of infrastructure, this work has not yet been completed due to lack of funds.
8. The Respondent no. 4 states that the contentions made by the Applicants in the Application are totally false and misinterpreted therefore the said Application may be disbelieved.
9. Further the Respondent no. 4 states that, it is trying to treat sewage and will submit a proposal to the government. The respondent no. 4 is well aware that the importance of the city in the Western Ghats and the said Respondent is sensitive about the Flora and Fauna,





Biodiversity near this city and the Municipal Council is sensitive about taking various measures through the Municipal Council to make the city pollution free and for that an action plan has been prepared as above.

REPLY TO LIMITATION

10. The contentions raised by the Applicant in the limitation clause shows that the Applicant has preferred the Application within the limitation however the Applicants in memorandum of Application have mentioned that the Application is under section 18(1) r/w Sections 14, 15, and 17 of National Green Tribunal act 2010. Here if the Application is treated as under section 14 then the Application is beyond the limitation as it is liable to be dismissed with cost on the part of the Applicants.

“Section 14(3) of the Act states that”-

“Section 14. Tribunal to settle disputes.

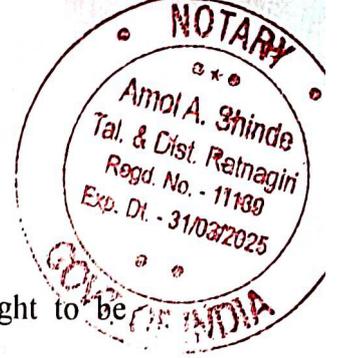
(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

REPLY TO JURISDICTION

11. Application invoking the jurisdiction of this Hon'ble Tribunal u/s 14 of the NGT Act, 2010 is not maintainable and therefore





the present Application filed by the Appellant ought to be dismissed.

12. In the view of the facts and circumstances stated and contentions raised hereinabove, it is submitted that the prayers sought by the Applicant seeking the legal actions against the Respondent Nos. 4 to 9 are not maintainable and therefore the present Application filed by the Applicants ought to be dismissed.

DATE: 16/05/2023

PLACE: RATNAGIRI

ADVOCATE FOR RESPONDENT NO. 4

For (ADV. RAKESH BHATKAR)

VERIFICATION

I, Tushar Arun Babar, The chief officer of Ratnagiri Municipal Council and the authorized signatory of the respondent no. 4 de hereby solemnly affirm that whatever stated in the abovementioned affidavit is true and correct as per my best knowledge and I believe that the same is correct.

Solemnly affirmed at Ratnagiri

Date: 16/05/23

2



Chief Officer
Ratnagiri Municipal Council
Respondent no. 4

Identified and explained by me,

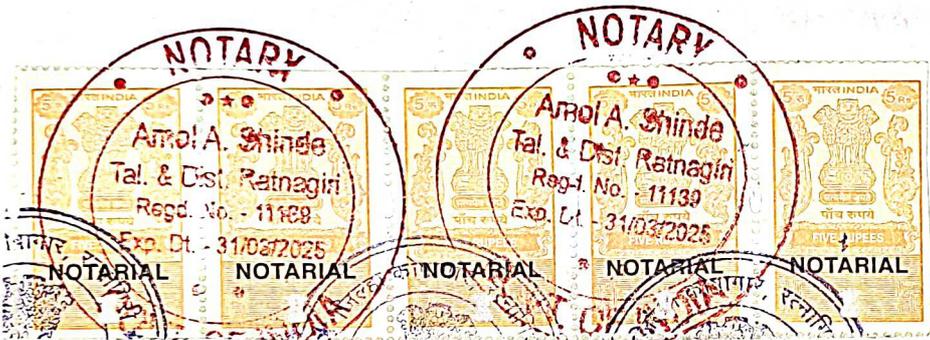
(Adv. T. R. Bhatkar)

Signed Before Me

Amol A. Shinde
Notary & Advocate (Govt. of India)
Krishnakunj, Near Vitthal Mandir,
Utkarsh Nagar, Tal/Dist. - Ratnagiri

REGISTERED
AT TAL. RATNAGIRI
at Sr. No. 4247/2023
Date: 16/05/2023

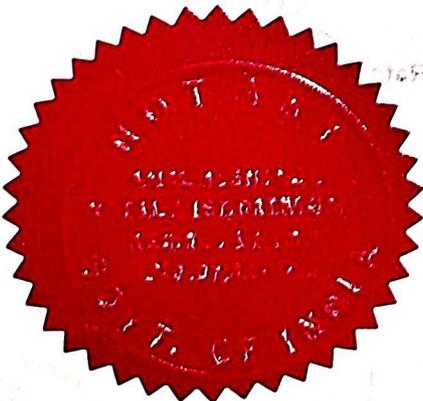
Advocate for Respondent no. 4



Solemnly affirmed & Verified
Signed Before me.
NOTED & REGISTERED at Sr. No. 4241
The execution is to my satisfaction
Date: 16/05/2023

Signed Before Me
Amol A. Shinde

Amol A. Shinde
Notary & Advocate (Govt. of India)
Krishnakunj, Near Vitthal Mandir,
Utkarsh Nagar, Tal/Dist. - Ratnagiri





सत्यं धर्मं च, मुंदर सत्यं धर्मं च



रत्नागिरी नगरपरिषद, रत्नागिरी

www.mcr.rtnagiri.in

mcr.rtnagiri@gmail.com

coud.rtnagiri@maharashtra.gov.in

co_mp@rediffmail.com

जा. क्र. वनप/साळां/ १०६ / ८६३६

दिनांक : २०/११/२०२०

रत्नागिरी नगर परिषद

आदेश

प्रति,

प्लानिटेक कन्सल्टंट्स,

सदाशिव पेठ, पुणे

विषय - रत्नागिरी नगरपरिषद हद्दीतील केंद्र/राज्य शासनाकडील वा इतर विकास विषयक योजनांकरिता विविध सोयी सुविधांचा विकास विषयक कामा अंतर्गत, नवीन इमारती, नूतनीकरण, अंतर्गत सजावट, नागरी दळणवळण, अंतर्गत रस्ते, पूल, याहतूक बेटे, प्रजन्य जलधाहिनी, सांडपाणी व्यवस्था घनकचरा व्यवस्थापन अंतर्गत प्रकल्प, शहर सुशोभीकरण, उद्याने, बागीचे क्रिडांगणे, स्वागत कमान, पर्यटन स्थळे, तलाव संवर्धन, पॉईंट विकरिता करणे इ. कामाकरिता सर्वेक्षण व अन्वेषण करणे, बांधकामाचे आराखडे तयार करणे, आवश्यकतेनुसार बांधकाम आराखड्यांचा नगर रचना विभागाकडून मंजूरी प्राप्त करून घेणे, आर.सी.सी. डिझाईन, स्ट्रक्चरल स्टील डिझाईन तयार करणे, सविस्तर अचुक अंदाजपत्रके तयार करणे व त्यास तांत्रिक मंजूरी प्राप्त करून घेणे, आवश्यकतेनुसार राज्य/केंद्र शासनाची मंजूरी घेणे, कामाचे निविदा प्रक्रियेसाठी नगरपरिषदेस आवश्यक कागदपत्रे तयार करून देणे, प्रत्यक्ष काम चालू असतांना दैनंदिन १०० टक्के पर्यवेक्षण करणे, झालेल्या कामाची मोजमापानुसार देयके तयार करून देणे व इतर अनुषंगिक कामे करणे इत्यादीसाठी प्रकल्प व्यवस्थापन सल्लागार म्हणून शतमान पध्दतीने व्यावसायिक सेवा पुरविणे.

संदर्भ - १) आपली दि. ०६/०३/२०२० ची ई-निविदा

२) नगरपरिषद सर्वसाधारण सभा ठराव क्र. ५६ (२२) दि. १६/०७/२०२०

३) म्यु.जा.क्र. ४४५/३३८२ दिनांक ०४/११/२०२० अन्वयेचा कार्योदेश.

उपरोक्त विषयाच्या अनुषंगाने आपणांस कळविण्यात येते की, संदर्भ क्र. ३ नुसार कामाचा कार्योदेश आपणांस दिलेला आहे. त्यानुसार नगरपरिषदेकडील खालील कामांसाठी तांत्रिक सल्लागार म्हणून आपली नियुक्ती करण्यात येत असून खालील नमूद कामांसंदर्भात सविस्तर प्रकल्प अहवाल सादर करणेबाबतची पुढील कार्यवाही करावी.

१) रत्नागिरी नगरपरिषद हद्दीतील अंतर्गत भुयार गटर योजना आराखडा तसेच अंदाजपत्रक तयार करणे.



मनसः कर्मणो भवति ज्ञानम्
रत्नागिरी, मुंबई रत्नागिरी



रत्नागिरी नगरपरिषद, रत्नागिरी

www.mcratnagiri.in
mcratnagiri@gmail.com
coud.ratnagiri@maharashtra.gov.in
co_mp@rediffmail.com

जा. क्र.

दिनांक :

२) रत्नागिरी नगरपरिषद हद्दीतील ट्राफिक ऑडिट तयार करणे

वर नमूद कामांचे परिपूर्ण प्रस्ताव (अंदाजपत्रक, आराखडे इ.) तयार करणे कागी या कार्यालयाकडे उपस्थित राहून प्रत्यक्ष कामाच्या स्वरुपाबद्दल व त्या अनुषंगाने प्रत्यक्ष स्थळ पाहणी करून पुढील कार्यवाही आपल्या स्तरावरून तातडीने पूर्ण करण्यात यावी व त्याबाबत गा कार्यालयास सविस्तर लेखी अवगत करावे.


श्री. मुख्याधिकारी
रत्नागिरी नगरपरिषद


Keshav
22/1/2020

o/c

Clean Ratnagiri, Beautiful Ratnagiri

Ratnagiri Municipal Council, Ratnagiri

www.rmeratnagiri.in

mmcratnagiri@gmail.com

coud.ratnagiri@maharashtra.gov.in

co_mp@rediffmail.com

O.N. RNP/PC/496/3636

Date : 20/11/2020

Ratnagiri Municipal Council

ORDER

To,
Planitech Consultant
Sadashiv Peth, Pune

Sub: Central/State Government or other development within Ratnagiri Municipal Council limits Development of various facilities for the subject schemes under the subject works, new buildings, renovation, interior decoration, civil communication, internal roads, bridges, traffic islands, storm drains, sewage system, solid waste management projects, city beautification, parks, garden playgrounds, welcome arch, Tourist spots, Lake conservation, Poit development etc. Conducting survey and investigation for work, preparing construction plans, obtaining approval of construction plans from Town Planning Department as required, R.C.C. Design,

preparation of structural steel design, preparation of detailed accurate estimates and obtaining technical approvals for the same, approval of state / central government as required, preparation of necessary documents of municipal council for tender process of work, 100% day-to-day supervision while actual work is in progress. Providing professional services as a project management consultant for preparing payments according to the measurement of work done and doing other ancillary works etc.

- Ref:-
- 1) Your E-tender dated
06/03/2020
 - 2) Municipal Council General Meeting
Resolution no. 56 (22) dt.
16/07/2020
 - 3) M. O. No. Order vide 445/3382 dated
04/11/2020,

Pursuant to the above subject, we are informed that as per reference no. 3, the work order has been given to you. Accordingly, you are being appointed as a senior consultant for the following works in the municipal council and further action should be taken to submit a detailed project report regarding the following works.

- 1) Preparation of internal underground sewer plan and budget within Ratnagiri Municipal Council limits.
- 2) Preparation of traffic audit within Ratnagiri Municipal Council limits

Preparation of complete proposals (budget, plans, etc.) of the above-mentioned works should be attended to this office and the nature of the actual work and according to that the following action should be completed promptly from your level and informed in writing to this office in detail.

S/d

Chief officer

Ratnagiri Municipal Council