

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

Shri. Sanjay D. Joshi & Anr. --- Applicants
Versus
State of Maharashtra through the
Department of Environment & Ors --- Respondents

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3.	Annexure III	The copy of the work order issued to the contractor	
4.	Annexure IV	The copy of compliance report dated 28.12.2024 submitted to the Kolhapur Regional Office, Pollution Control Board	
5.	Annexure V	The copy of work order dated 30.05.2025	
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Place : Malvan

Date : 17.09.2025

Advocate for Respondent No. 7



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REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7

I the undersigned, Mr. Vinayak Aundhakar, Age - 49 years, Chief Officer, Malvan Municipal Council, do hereby state on solemn affirmation that whatever is stated in below mentioned paragraphs is true and correct to my knowledge and belief. I say that I have taken instructions from all the

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concerned departments and have gone through the documentations of the concerned department and I am in a position to reply the Original Application on the basis of the information received by me from my concerned departments.

1. I say that all the contentions, allegations and statements made by the Applicant in the present Application are denied and nothing therein shall be deemed to be admitted by the Respondent No. 7, by reason of non-traverse or otherwise, unless specifically admitted therein.

2. At the outset I submit that the present application has been filed by the Applicant under the provisions of section 18(1) r/w section 14, 15 and 17 of the National Green Tribunal Act, 2010. I say that 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. I state and submit that the Respondent No.7 Council has not obtained consent to establish/operate for installation of Sewage Treatment Plant (STP). It is submitted that vide Consent No. MPCB/ROK/SROR/667/10154/16 dated 06.10.2016 a consent was obtained by the Municipal Council to construct Sewage Treatment Plant which was

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valid for period of 5 years. However, due to COVID-19 pandemic, as well as the contractor who was constructing the said work was facing acute financial crisis. As a result a special meeting under the chairmanship of Principal Secretary, Urban Development Department - 2, Mantralay, Mumbai was convened on 06.07.2023 and Minutes of Meeting dated 21.07.2023 were released and as per directions of Principal Secretary as per clause 38 of the concerned tender the pending bills were cleared of the said contractor. Thereafter, the said contractor Mr. Ghuge proceeded with pending work. The copy of the said consent dated 06.10.2016 and relevant documents of special meeting are hereto marked and annexed as **ANNEXURE I.**

4. It is submitted that measures/actions shall be taken to obtain revalidation of consent to establish/operate for installation of Sewage Treatment Plant (STP). The post of Sanitation Inspector/ Engineer, Health Department was being vacant since 2020, the appointment on this post wasn't done from our Higher Authorities, hence this resulted in considerable delay to obtain revalidation of consent. It is submitted that a proposal for revalidation of consent will be submitted by our end within 10 days.

5. That the Applicant has alleged that the Respondent No. 7 council has failed to provide Sewage Treatment Plant (STP) to treat 2.5 MLD sewage generation and now

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directly discharging untreated sewage into local 3 nallas/drains which finally meets Arabian Sea. It is pertinent to note that, the Municipal Council had underground drainage system project which has been approved under the Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) and it includes a Sewage Treatment Plant (STP) 3 MLD plant which is under construction at final stage with almost 92 % work. The relevant geotagged photographs of the said work are hereto marked and annexed as **ANNEXURE II.**

6. At the same time under the scheme of Maharashtra Jeevan Pradhikaran (UIDSSMT) has sanctioned Sewage Treatment Plant and Sewer Line for Municipal Council vide notice dated 05.08.2011. Thereafter, work order dated 26.08.2009 has been given to Mr. V. R. Ghuge. The copy of the said notice and work order is hereto marked and annexed as **ANNEXURE III.**

7. That the applicant has further alleged that the Council has failed to comply of proposed direction dated 16.01.2024. It is submitted that sincere efforts and effective measures are being implemented in order to comply with the proposed directions dated 16.01.2024.

8. I further state and submit that, the Respondent No. 7 council vide communication dated 28.12.2024 has informed the Regional Officer, Maharashtra Pollution

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Control Board, Kolhapur about the steps taken by the council to curb the said alleged pollution. The copy of the said communication is hereto marked and annexed as **ANNEXURE IV.**

9. I say and submit that as per the references cited, the details of the action taken by Malvan Municipal Council for preventing water pollution through proper sewage disposal are as under:

(a) All properties within Malvan Municipal Council area have septic tanks. The sewage is collected in these tanks and, as per requirement, lifted by council suction vehicles. The lifted sewage is treated at the Council's 5 KLD Fecal Sludge Treatment Plant (FSTP).

(b) Malvan Municipal Council Underground Drainage Scheme:

- (i) Under UIDSSMT, an underground drainage project worth ₹18.84 crores was sanctioned for Malvan Municipal Council vide Government Resolution dated 01 March 2008.
- (ii) The contract was awarded on 26 August 2009 to contractor Shri H.R. Ghughe, Sambhajinagar.
- (iii) The scheme, titled "Underground Sewerage and Sewage Treatment Plant for Malvan City," was

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initially sanctioned in March 2008 and later revised in January 2012.

(c) Project Approval & Tender Details:

- (i) Project Sanction: 01/03/2008
- (ii) Revised Technical Sanction: 05/08/2011
- (iii) Government Revised Sanction: 13/01/2012
- (iv) Sanctioned Project Cost: ₹18.84 crores
- (v) Tender Approval: 10/08/2009
- (vi) Contractor: Shri H.R. Ghughe, Sambhajinagar
- (vii) Tender Rate: 37% above (₹6.97 crores extra)
- (viii) Total Project Cost (as per tender): ₹25.81 crores
- (ix) Work Order Date: 26/08/2009
- (x) Completion Period: 2 years

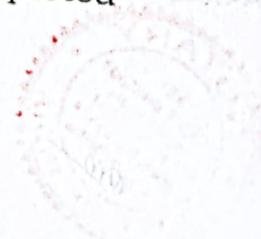
(d) Financial Share:

- (i) State Share: ₹7.54 crores
- (ii) Central Share: ₹9.78 crores
- (iii) Municipal Share: ₹8.49 crores
- (iv) Total: ₹25.81 crores

(e) Physical Progress of Work:

- (i) Sewer Pipeline – 42 km (40.93 km completed)
- (ii) Chambers – 1978 (1594 completed – partial)
- (iii) STP (3 MLD) – 80% work completed

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- (iv) Pumping Stations - 8 Nos. (80-95% completed, except PS8 - site not finalized)
- (v) Rising Main - 6.90 km (3.00 km completed)
- (vi) Distribution Pipeline - 9.35 km (5.20 km completed)
- (vii) Overall Progress - 92%

(f) Expenditure Incurred Till Date:

- (i) Running Bills (1-33) - ₹19,28,69,495/-
- (ii) GST - ₹32,62,633/-
- (iii) Consultant Fees - ₹7,71,668/-
- (iv) MPCB Charges - ₹13,000/-
- (v) Price Escalation - ₹5,19,12,361/-
- (vi) Testing Fees (MJP & PWD) - ₹3,47,002/-
- (vii) Clause 38 Payments - ₹85,35,797/-
- (viii) Total Expenditure: ₹25,77,11,956/-

10. I say and submit that as per orders dated 30.12.2024, this Hon'ble Tribunal has directed that all sewage treatment plants (STPs) in municipalities must comply with pollution control standards notified by the Ministry of Housing & Urban Affairs, Government of India.

Mandatory Standards (as per order dated 30.04.2019):

- pH: 5.5-9.0
- BOD: ≤ 10 mg/l (Desirable <5)
- TSS: ≤ 20 mg/l (Desirable <10)

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- COD: $\leq 50-75$ mg/l
- Total Nitrogen: ≤ 10 mg/l
- Total Phosphorus: ≤ 1.0 mg/l
- Fecal Coliform: ≤ 230 MPN/100 ml (Desirable 100)

11. I say and submit that currently the DPR prepared under UIDSSMT in 2007 for Malvan included only 3 parameters (BOD, COD, TSS). As per revised NGT norms, improvements in STP design are mandatory. The original contractor expressed inability to upgrade STP as per new standards. Hence, the Director of Municipal Administration instructed submission of revised project details. As a result, considering 92% work already completed, revised DPR and additional funding provision are essential for compliance.

12. I say and submit that as per Government Circular dated 12/04/2023, the services of M/s Primovers infrastructure development consultant pvt. Ltd. Pune have been appointed. The consultant will prepare revised DPR within 1 month as he has obtain technical sanction from Maharashtra Jeevan Pradhikaran, and submit it for Government sanction. The copy of the work order given to M/s Primovers infrastructure development consultant pvt. Ltd. Pune dated 30.05.2025 is hereto marked and annexed as ANNEXURE V

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13. In view of the above 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 No. 7 are not maintainable and therefore the present Application filed by the Applicants ought to be dismissed.

Solemnly affirmed at Malvan)
This 17th day of September 2025)

[Signature]
.... Deponent

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Identified & Explained by me.

Before me

[Signature]

Advocate for Respondent No. 7

BEFORE ME

[Signature]

YATISH R. KHANOLKAR
Advocate & Notary, Govt. Of India
Regn. No. 55574
Resi.: D-201, D Wing, Second Floor,
Rameshwar Apartment, Jaitapkar Colony, Oroo,
Taluka Kudal, Dist. Sindhudurg, (MAH.)

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

Signature of deponent After Attestation

Solemnly affirmed before me,
by Mr./Mrs. *Vinayak V Day Budhakar*
Who is identified to me by *Chief Officer Malvan Municipal Council Malvan*
Mr./Mrs. *Budhar road No. 3545 0252, 7774*

NOTED & REGISTERED
Sr. No.: 111 of 20 25
Book No. 1





भारत सरकार
Government of India

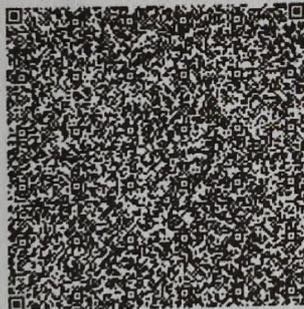
भारतीय विशिष्ट ओळख प्राधिकरण
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नोंदणी क्रमांक:/ Enrolment No.: 0221/00349/01538

To
विनायक विजय औंधकर
Vinayak Vijay Aundhkar
S/O Vijay Rajaram Aundhakar,
A/P Kasegaon,
A/P Kasegaon,
VTC: Kasegaon,
District: Sangli,
State: Maharashtra,
PIN Code: 415404,
Mobile: 9922926693

Signature Not Verified

Digitally signed by Unique
Identification Authority of India
05
Date: 2025.03.19 11:22:27
IST



मापला आधार क्रमांक / Your Aadhaar No. :

3545 0252 7774

VID : 9178 3257 2636 6944

माझे आधार, माझी ओळख

भारत सरकार
Government of India



विनायक विजय औंधकर
Vinayak Vijay Aundhkar
जन्म तारीख/DOB: 01/06/1976
पुरुष/ MALE

आधार हा ओळखीचा पुरावा आहे, नागरिकत्व किंवा जन्मतारखेचा नाही.
हे फक्त पडताळणीसाठी वापरले जावे (ऑनलाइन प्रमाणीकरण किंवा QR कोडचे
स्कॅनिंग/ ऑफलाइन XML)
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or date of birth. It should be used with verification (online
authentication, or scanning of QR code / offline XML).

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