



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

O.A. 14/2020

Mohan Nanasahab Kudale ... Applicant

Versus

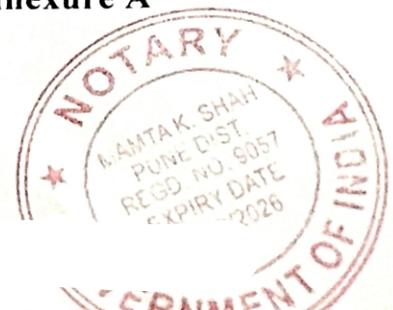
Pune Municipal Corporation &ors. ... Respondent

REPLY OF RESPONDENT NO. 1 (PUNE MUNICIPAL CORPORATION)

I, Mr. Dr. Ashish Bharati, Age:-46 Years Adult, Occupation: Service, Medical Officer Health, Pune Municipal Corporation, having my office at: Pune Municipal Corporation, Shivaji Nagar Pune-411005, do hereby beg to state on solemn affirmation as under:

I say and submit that I have gone through the records of the present matter and after going through the relevant office records I am filing the present Affidavit. However I should not be deemed to admit anything which is contrary to or inconsistent with what is stated hereinafter in the absence of specific denial.

1. I say and submit that the subject matter in the present application has already been adjudicated by the Hon'ble Bombay High Court vide Writ Petition No. 5684/2013 Mr.Komal Dongar Singh Wani Vs. Pune Municipal Corporation. The Hon'ble Bombay High Court was pleased to direct the present Respondent to allow the operation of the Incinerator. A copy of the Writ Petition is annexed herewith as "**Annexure A**"





2. I say and submit that the Hon'ble Bombay High Court has passed an Order dated 24.01.2020 and observed as under :

"After the consent of the Board and the facility being made operational, if the petitioner has any grievance about damage to ecology and environment, he can always raise it before the Board. The Board, within its powers, can note such complaint or grievance of the petitioner and deal with the same in accordance with law."

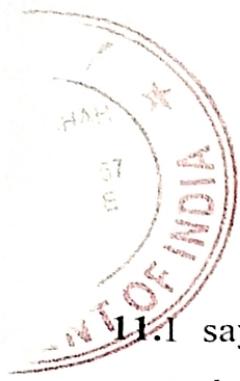
3. I further say and submit that the present Respondent has always been in due compliance of directions, conditions of the Respondent No. 2 as mentioned in the Consent to Operate. It is pertinent to note that the Applicant in the present Application has mentioned in Para 6 'The Applicant submits that the Applicant is not against the project; it is only that the same shall be operated with requisite permissions and in accordance with law.'

4. In this respect I say and submit that the present Respondent has always been following the due process of law. The present Respondent has applied for Consent to operate in the year 2019 consent no: 0000084842 dated 14/12/2019 to 31/01/2021 and the Respondent No. 2 was pleased to grant the same on the terms and conditions which it felt appropriate. I further say and submit that the Respondent No. 2 has; till date did not observe any violation and non-compliance on the part of the present Respondent. Hence it can be said that the allegations of serious type of pollution and hazardousness causing serious health problems etc. are false and baseless allegations of the Applicant without any proof thereof. It is also relevant to mention that without submitting any grievance before the



appropriate Authority the Applicant directly has filed the present Application.

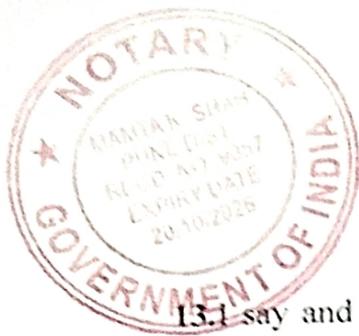
5. I further say and submit that the applicant has filed the present application raising the issue of operation of an incinerator plant for disposal of animal carcass on land bearing survey numbers 9 to 14/2 and plot numbers 272 to 275 situated at Keshavnagar, Mundhwa, Pune. I say and submit that this Honorable National Green Tribunal was pleased to constitute a committee and directed joint inspection of the unit in question to verify on the factual allegations in the present original application, while order dated 6/03/2020.
6. I say and submit that pursuant to the said order on 01/10/2020 the joint committee has carried out the site inspection and submitted their report.
7. I further say and submit that the observations made by the committee report are not admitted by the present Respondent. I say and submit that the committee has expanded their scope more than mentioned in the order of this Hon'ble Tribunal. It has also made observation on the waste segregation plant in the area which had never been part of the present application under reply. Hence, the present Respondent strongly objects the observation and conclusion in the report.
8. I say and submit that the incinerator plant is occupying a very small portion of the whole plot. Total Area of the Survey No. 6 and 9 to 14/2 is 58 H.57 R, out of which the plant in issue is occupying only 10000 sq.ft area. I say and submit that it is not true to say that the project is located in close proximity of Mula Mutha River and the residential buildings under construction. I say and submit that the plant is at an



11. I say and submit that the Respondent No. 1 is presently using the technology Hurikan 500. The said technology has below mentioned features :

- a. Large load capacity and can load a batch of 2000 Kgs.
- b. Fast burn rate-500 Kgs per hour burn rate.
- c. Unique Mobility- It can be quickly towed and manoeuvred
- d. Rapid Deployment- The Hurikan 500 can be operational within two hours.
- e. Simple to use- With automatic burn cycles, easily movable slide on/ off loading door, its simplicity offers effortless operation, despite its large size
- f. Robust Construction
- g. Legislation Compliance- The Hurikan 150 is fully EU legislation ABPR 1069/2009 compliant and for efficiency and cleaner emissions.

12. I say and submit that having such facility at the nearest place; is useful for the owners of the large animals at the cattle shade. Hence it is the best technology and the same is useful for scientific and proper disposal of the dead animals. I say and submit that no waste from the market like chicken, meat, fish etc. is disposed in the said Incinerator. Only the dead animals from the cattle shade and other small animals from the city area are incinerated in this plant. I say and submit that due to the use of the Incinerator; there is proper and scientific disposal of the dead animals. The same has always been done immediately after receiving the carcass. Such efficient technology is the one which facilitates the proper disposal and management of dead animals.



13.1 say and submit that this Incinerator plant is necessary considering the requirement of the City. Moreover; the recent inclusion of 24 villages in the Respondent No. 1's limits makes it more so necessary to have such facility which will take care of disposal of dead animals. Hence I say and submit that the facility is necessary for the proper management of dead animals in the city.

14.1 say and submit that regarding the two MRF (Waste segregation) Plants, the said plants are installed on the land survey no.9 to14/2 admeasuring 2.5 Acres allotted for the Solid Waste Processing Plants as per Hon'ble Municipal Commissioner Resolution dated 18.04.2006 vide Resolution No.6/36.I say and submit that these two Waste Management Plants installed at the site are MSW processing Plant 150 MTPD solid waste from Nagar Road, Dhole Patil Road and Hadapsar ward offices. I say and submit that considering the distance from the abovementioned areas; these processing plants are effective for managing and processing the waste generated in these areas. It is the nearest processing facility available making it environmentally and economically efficient. I further say and submit that recently 23 villages have been included in the pune municipal Corporation; out of which this site is processing generated waste of newly merged villages Majri and Wagholi which are contributing substantially as far as waste generation is concerned. It is pertinent to note that this has already caused burden on the existing plant processing the waste which the present Respondent is tackling with.

15.I say and submit that a chart showing the timeline for applying for appropriate permission is as under :



For NEPRA Waste Processing Plant (100 MTPD)

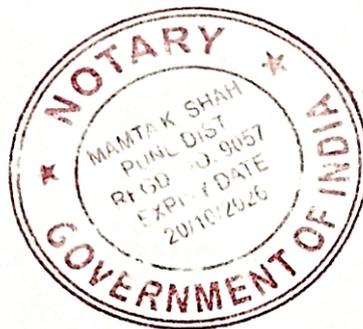
| Sr. No. | Particulars of Application | Date of Application | Status |
|---------|--|---------------------|--------------------------|
| 1 | Application for Authorization | 7.4..2020 | Pending Since April,2021 |
| 2 | Meeting with Respondent No. 2 | 25.9.2020 | |
| 3 | Clarification of objection raised in the meeting | 16.12.2020 | |
| 4 | Reminder Letter | 15.4.2020 | |
| | Meeting with Respondent no. 2 | 5.5.2021 | |
| | Clarification given | 12.7.2021 | |
| | Reminder Letter | 24.9.2021 | |

For Sairam Waste Processing Plant-MRF (50MTPD)

| Sr. No. | Particulars of Application | Date of Application | Status |
|---------|--|---------------------|----------------------------|
| 1 | Application for Authorization | 12.10.2020 | Pending Since October,2021 |
| 2 | Consent Committee Meeting with Respondent No. 2 | 5.5.2021 | |
| 3 | Clarification of objection raised in the meeting | 12.7.2021 | |
| 4 | Reminder Letter | 24.9.2021 | |
| 5 | Consent Committee Meeting with Respondent No. 2 | 14.10.2021 | |

16.1 say and submit that the present Respondent has been diligently applying for the requisite permissions from Respondent No. 2. Also PMC has taken every measure to obtain the consent of the MPCB. It is further stated that regarding waste processing plant the last consent committee meeting took place on 14.10.2021 and has accepted the application for Authorization in principle and final approved consent letter is awaited. Hence the Respondent No. 2 may kindly be directed to consider the applications of the present Respondent for Incinerator as well as Waste Processing Facility.

Solemnly affirmed on the 29th day of October, 2021 at Pune.



(Signature)
(Dr Ashish Bharti)
Health Officer
Pune Municipal Corporation

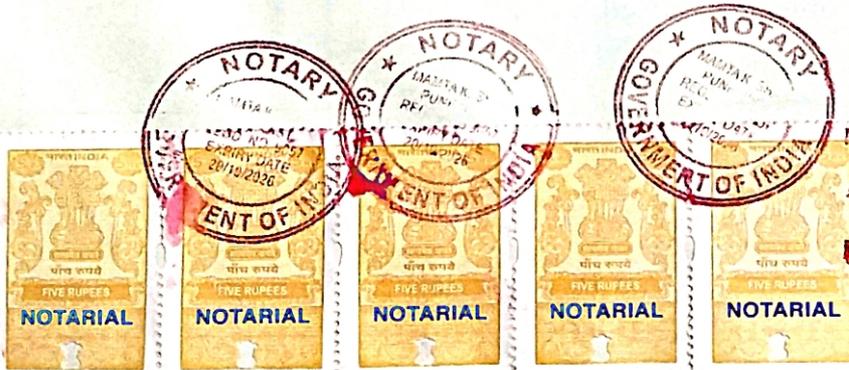
Affiant

I know the Affiant

Advocate

BEFORE ME

(Signature)
MAMTA K. SHAH
NOTARY
GOVT. OF INDIA
PUNE DISTRICT



NOTED AND REGISTERED
AT SR. NO. 14999/2021
DATE

09 NOV 2021

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5684 OF 2013

Mr.Komal Dongar Singh Wani ... Petitioner
versus
Pune Municipal Corporation and Ors. ... Respondents

WITH
CIVIL APPLICATION (ST) NO.9149 OF 2018

Pune Municipal Corporation and Ors. ... Applicants

In the matter Between :

Mr.Komal Dongar Singh Wani ... Petitioner
versus
Pune Municipal Corporation and Ors. ... Respondents

Mr.Prasad B. Kulkarni for the Petitioner.

Mr.Rajdeep Khadapkar for Respondent
No.1.

Mr.D.M.Gupte for Respondent No.5.

CORAM :- S. C. DHARMADHIKARI &
R.I.CHAGLA, JJ.

DATE :- JANUARY 24, 2020

P.C. :-

1. On December 17, 2019, we had passed the following order:-

1. We have heard both sides. Pursuant to our earlier order, an officer of the Pune Municipal Corporation's health department is present. He is not the Health Officer. He has produced a file which contains the documents pertaining to the incinerator. The documents include a letter of the Maharashtra Pollution Control Board dated

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13.11.2018 which indicates that there are two requirements which are yet to be complied with.

2. Mr.Khadapkar, appearing for the Pune Municipal Corporation, says that in the file, is the latest online application made on 14.12.2019 to the Maharashtra Pollution Control Board so as to make the facility operational. The facility is established and permission for establishment is granted by Maharashtra Pollution Control Board but the subsequent permission for making the facility operational is yet to be granted.

3. In the event the Maharashtra Pollution Control Board/its regional level officers meet for considering all pending applications, then, they should give the necessary priority to this application of the Pune Municipal Corporation as the project is in public interest and for public safety. After inspecting the facility and the premises, the necessary permission be granted in accordance with law.

4. However, we expect that the decision will be taken by the Maharashtra Pollution Control Board before the next hearing. We, therefore, place this matter on 24.1.2020. The matter shall be listed on supplementary board."

2. After that, an affidavit has been filed by the Maharashtra Pollution Control Board. The Sub-Regional Officer in service of this Board has filed an affidavit stating that in pursuance of the above order, the application made by the Pune Municipal Corporation on 14th December, 2019 for renewal of consent for incinerator unit of Pune Municipal Corporation (incineration of dead animals through incinerators) situated at Keshav Nagar, Mundhwa, Pune has been considered. The officials of the Maharashtra Pollution Control Board visited the site and

inspected the facility. After that, the Maharashtra Pollution Control Board in its meeting held on 13th January, 2020 (Consent Committee Meeting), decided to grant renewal of consent to operate this incinerator unit. Now, the Pune Municipal Corporation can operate this in terms of the consent dated 20th January, 2020. This consent is stated to be in force till 31st January, 2021. Needless to clarify that the Maharashtra Pollution Control Board has a right to review, amend, suspend and revoke this consent.

3. After this consent of the Board and the facility being made operational, if the petitioner has any grievance about damage to ecology and environment, he can always raise it before the Board. The Board, within its powers, can note such complaint or grievance of the petitioner and deal with the same in accordance with law.
4. In view of the further developments, the present writ petition need not be kept pending. It is disposed of. If the facility can be made operational pursuant to the consent of the Maharashtra Pollution Control Board dated 20th January, 2020, the order passed on 11th July, 2013 on this writ petition or any of the further orders, shall not preclude or prevent the Pune Municipal Corporation from operating this facility.

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5. In view of the disposal of the writ petition, civil application does not survive and stands disposed of accordingly.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)

Annexure B

