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Date: 20/04/2022

From,

Arif Nawaz M.M. Iraqi,
Room.No:001, Duduke House,
Near Ideal Market,
Kausa, Thane-400612.

Contact.No: 7304717317.

E-mail: armaan3010@hotmail.com

To,
The Hon'ble Chairperson,
National Green Tribunal,
Faridkot House,
Copernicus Marg,
New-Delhi-110001.

Ref: Original Application No: 105/2022

Sub: Reply for the Letter Dated 11/04/2022 having Ref.No: TMC/INDP/EE/23 being misleading for stopping the "Unscientific discharge of sewage in open water bodies i.e. Ulhas River and Desai Creek in Mumbra and Diva , Dist: Thane under Thane Municipal Corporation adversely affecting the constitutional right of the citizens of enjoying pollution free water and air protected under fundamental right of life under Article 21 and 48A of the constitution of India and Section 3(1) of the Environment protection Act,1986 which envisage protection and improvement of quality of environment.

Sir,

I had written to the Hon'ble Chief Justice and The Hon'ble Chairperson, National Green Tribunal and the others on 05/12/2021 and 05/02/2022 about the "Unscientific discharge of sewage in open water bodies i.e. Ulhas River and Desai Creek in Mumbra and Diva , Dist: Thane under Thane Municipal Corporation adversely affecting the constitutional right of the citizens of enjoying pollution free water and air protected under fundamental right of life under Article 21 and 48A of the constitution of India and Section 3(1) of the Environment protection Act,1986 which envisage protection and improvement of quality of environment.

The Hon'ble Chairperson, National Green Tribunal by taking the application into consideration and seeing the seriousness of the issue had accepted the matter under

482/DR
27/04/22

Ld R Gaur Gaur

Ld. D.R. 26/4/22

Ld. D.R.
Consultant (J)
169/Jud.
28/04/22

Principal Bench, New Delhi Receipt & Issue Branch Received 26 APR 2022 Dairy No..... 1483

OA 105/2022
RD/aw-RO
2/27/4

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Original Application No:105/22 and had passed an order on 04/02/2022 for the same for submitting reports till 26/05/2022.

I received a reply from the Executive Engineer, INDP , Thane Municipal Corporation dated 11/02/2022 having Ref.No: TMC/INDP/EE/23 about the same. I would Like to bring to your Notice about Some facts that You have failed to mention in your reply and have failed to take the seriousness of the matter:

- a) In paragraph No.2 in the reply sought by you it has been stated that Thane Municipal Corporation has Constructed an STP Plant having capacity of 32MLD and Has been started and also Underground sewerage system of 25km and other related works for the same and have completed 98% of the Work. The above statement in your reply sought to me requires factual position of the work. The description in the reply is related to Mumbra and Kausa only and it clearly states that there has been no work done for STP in Diva, Shil and Davale. Also Mumbra and Kausa being densely populated as per the factual situation only 50 to 60% of the area has been covered by the above work. It can be agreed that you have completed the 98% of the contracted work ,but entire Mumbra, Kausa, Shil, Davale and Diva have not been totally connected to your STP been constructed in Kausa.
- b) In Paragraph No.2 in the reply sought by you , you have mentioned about the permissions granted to Authorized and Approved buildings that have been constructed from the Year 2019. The Buildings before 2019 had only septic tank , the outlet of the septic tank was connected to the adjoining Nala or Gutter, which is still been connected to the same, Hence it can be said that the there is disposal of sewage waste water in unscientific manner in the Nalas and Gutters which have been connected to the Ulhas River. Also in Mumbra, Kausa, Shil, Dawale and Diva 70 to 80% of the buildings are unauthorized/Illegal hence there are no Septic Tanks for the 70 to 80% of the Buildings in Mumbra, Kausa, Shil, Dawale and Diva. These buildings have connected their drainage direct to the Nalas and the Gutters passing near by, and these sewage waste is flowing in the Ulhas River through Desai creek.
- c) Also The House connection of the buildings to the underground sewerage system has not been completed. It can be said as per the factual situation only 20% of the

House connections have been completed and the rest of the solid waste is still flowing through the gutters and Nalas to the Ulhas River through Desai creek.

- d) Considering the peculiar facts of the above mentioned subject and in its entirety and general problems faced by the people at large, we are of the view that the above matter requires serious consideration by the State Government, as the Thane Municipal Corporation is not serious in discharging their obligation to stop the "Unscientific discharge of sewage in open water bodies i.e. Ulhas River and Desai Creek in Mumbra and Diva , Dist: Thane.

Here I sought a Joint Inspection with you for the reply provided by you dated 11/02/2022 having Ref.No: TMC/INDP/EE/23 and the Points mentioned in this Application, as the above reply is misguiding and misleading.

I also refer to order of National Green Tribunal dated 13.07.2017 in the case of M.C. Mehta v. Union of India directing as follows:-

"All the existing STPs as well as the STPs to be designed and constructed should satisfy the existing standards. The new STPs should be designed and construed in manner in which they should be able to achieve more stringent norms, if prescribed in future... the said STP shall be constructed and completed to ensure that it meets the prescribed values, particularly, in relation to BOD, faecal coliform and all other parameters. It should be designed to achieve suggested values of BOD at 10 mg/l and 230 MPN/100 ml of Faecal Coliform, as directed by CPCB and MoEF & CC".

The above Act of direct discharge of the waste into the creek violates Article 21 of the Constitution and its operation is extremely harmful for public at large as well as to the environment leaving the environment to the mercy of the increased pollution.

Hence I request you to pass an order to take the following steps immediately:

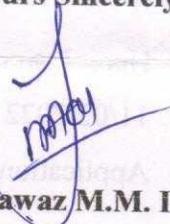
- a) Maharashtra Pollution Control Board to conduct a survey of Desai Creek areas of Ulhas River Basin and submit Water pollution monitoring report to the Government.
- b) Initiate credible legal action under Water and Air Act, on non-compliant industries and submit a report.
- c) Constitute independent third party Committee incorporating expert Institute for regular monitoring of these areas and submit the report of such committee constitute to the department.

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- d) MPCB to constitute joint committee of NEERI, IIT Powai and Applicant to visit to these areas under reference in the application.
- e) Inspection of the STP's been Constructed and Connecting these Nalas to the STP's, and discharging the Treated Water into the Creek with the Applicant.

Thanking You

Yours Sincerely,



Arif Nawaz M.M. Iraqi

Item No.13

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 105/2022

Arif Nawaz M. M. Iraqi

Applicant

Versus

State of Maharashtra

Respondent

Date of hearing: 04.02.2022

**CORAM: HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by Post.

ORDER

1. Grievance of the applicant Mr. Arif Nawaz M. M. Iraqi, is regarding unscientific discharge of sewage in open water bodies i.e. in Ulhas River and Desai Creek in Mumbra and Diva Distt. Thane, causing water pollution and serious health hazard to the nearby residents and for spreading various kind of diseases.
2. Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the CPCB, State PCB, Commissioner, Municipal Corporation & District Magistrate, Thane, Maharashtra and Chairperson, MCZMA (Maharashtra Coastal Zone Management Authority). The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look

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into the grievance and take remedial action in accordance with law following due process. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

3. List the matter for consideration on 26.05.2022.

A copy of this order, along with a copy of the complaint, be forwarded to the CPCB, State PCB, Commissioner, Municipal Corporation & District Magistrate, Thane, Maharashtra and Chairperson, MCZMA (Maharashtra Coastal Zone Management Authority) by e-mail for compliance.

Brijesh Sethi, JM

Prof. A. Senthil Vel, EM

ORDER

February, 04, 2022
Original Application No. 105/2022
AP & AG



दुरध्वनी : २५३३ १२ ११

२५३३ १५ ९०

ठाणे महानगरपालिका, ठाणे.

"महापालिका भवन", सरसेनानी अरुणकुमार वैद्य मार्ग, चंदनवाडी, पाचपाखाडी, ठाणे (प) ४००६०२

THE MUNICIPAL CORPORATION OF THE CITY OF THANE

संदर्भ :- ठापा / मलनि / काअ / २३

दिनांक :- ११.०४.२०२२

Ref. No. :

Date :

प्रति,

अरीफ नवाझ एम. एम. इराकी,

रुम नं. ०१, दुदुके हाऊस,

आयडीयल मार्केट जवळ,

कौसा, मुंब्रा- ४००६१२

विषय :- ठाणे महानगरपालिका क्षेत्रातील उल्हास नदी व देसाई खाडीमध्ये अशास्त्रीय पद्धतीने सोडण्यात येत असलेल्या सांडपाण्याबाबत.

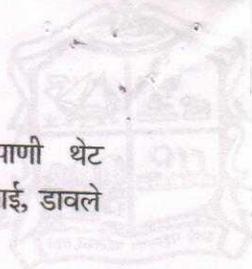
संदर्भ :- आपला मा. मुख्य न्यायाधिश, मुंबई उच्च न्यायालय यांस अर्ज दि. ०५/०२/२०२२

ठाणे महानगरपालिका क्षेत्रातील उल्हास नदी व देसाई खाडीमध्ये अशास्त्रीय पद्धतीने सांडपाणी सोडण्यात येत असल्यामुळे मुंब्रा, कौसा, शिळ व दिवा परीसरातील नागरीक पर्यावरण, आरोग्य, स्वच्छता आदी विविध समस्यांनी त्रस्त होत असल्याने याबाबत आवश्यक उपाययोजना करणेबाबत आपण मा. न्यायालयापुढे अर्ज सादर केलेला आहे. त्या अनुषंगाने मुंब्रा, दिवा, परीसरातील सांडपाण्याबाबत ठाणे महापालिकेमार्फत करण्यात येत असलेली कार्यवाही खालीलप्रमाणे आहे.

मुंब्रा व कौसा परीसरातील सांडपाण्यावर प्रक्रिया करण्याकरीता कौसा येथे भुयारी गटार योजना टप्पा क्र. ३ अंतर्गत ३२ द. ल. लि. क्षमतेचे मलप्रक्रिया केंद्र बांधण्यात आले असून सदर केंद्र कार्यान्वित करण्यात आलेले आहे. परीसरातील सांडपाणी वाहून नेण्याकरीता २५ की. मी. लांबीची मलवाहिनी २ मलउदंचन केंद्र व ४ लिफ्ट स्टेशन बांधण्यात आली असून काही गॅपवर्क वगळता (स्थानिक नागरीकांच्या विरोधामुळे) सुमारे ९८% काम पूर्ण झालेले आहे. या मलप्रक्रिया केंद्रामधून केंद्र शासनाच्या व राज्यशासनाच्या प्रदूषण नियंत्रण मंडळाच्या मानकानुसार मलजलाचे शुद्धीकरण करण्यात येत आहे. बी.ओ.डी, सी.ओ.डी टी.एम.एस पी.एच मानके केंद्र व राज्यशासनाच्या प्रदूषण नियंत्रण मंडळाने प्रमाणित केलेल्या मानकानुसार किंवा त्याहीपेक्षा चांगल्या दर्जाचे नियंत्रण करण्यात आलेले आहे. तसेच या परिसरातील हाऊस कनेक्शन मलनिःसारण व्यवस्थेस जोडण्याचे काम सन २०१९ पासून हाती घेण्यात आले आहे. गममध्ये इमारतीच्या सेप्टिक टँकमध्ये जमा होणारे सांडपाणी/ मैलापाणी थेट महापालिकेच्या मलवाहिनीस जोडण्यात येत आहे. तसेच इमारतीमधील सांडपाण्यावर सेप्टिक टँक मध्ये प्राथमिक प्रक्रिया होऊन सोकपीटमधून अतिरीक्त होणारे पाणी महापालिकेच्या गटार/ नाला मध्ये सोडण्यात येत असल्यामुळे या परीसरातील कोणतेही मैलापाणी थेट खाडीमध्ये सोडण्यात येत नाही.

सद्यस्थितीत ज्या भागात मलवाहिनी कार्यान्वित नाही त्या भागातील इमारतींना वापर परवाना देताना आवश्यकतेप्रमाणे मलप्रक्रिया केंद्र व सेप्टिक टँक बांधण्यात आल्याचे मलनिःसारण विभागाकडून प्रमाणपत्र घेऊन तदनंतर शहर विकास विभागाकडून वापर परवाना देण्यात येतो. खाजगी मलप्रक्रिया केंद्राला वापर परवाना देताना, मलप्रक्रिया केंद्रामध्ये प्रक्रिया केलेले पाणी खाडीमध्ये सोडताना केंद्र व राज्य शासनाच्या प्रदूषण नियंत्रण मंडळाच्या मानकानुसार नियंत्रण करण्याचे बंधनकारक करण्यात येत आहे. तसेच इतर संकुलास / इमारतीस सेप्टिक टँक बांधणे बंधनकारक असून, इमारतीमधील सांडपाण्यावर सेप्टिक टँक मध्ये प्राथमिक प्रक्रिया होऊन सोकपीटमधून अतिरीक्त

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होणारे पाणी महापालिकेच्या गटार/ नाला मध्ये सोडण्यात येत असल्यामुळे या परिसरातील कोणतेही मैलापाणी थेट खाडीमध्ये सोडण्यात येत नाही. यामध्ये प्रामुख्याने कौसा(भाग), दोस्ती प्लॅनेट, खर्डी, शिळ, डायघर, साबे, देसाई, डावले आगासन, दिवा, बेतवडे, दातिवली इ. भागाचा समावेश आहे.

आपण अर्जात नमूद केल्यानुसार (१) रेतीबंदर, मुंब्रा या भागात राणानगर ही वसाहत असून, या ठिकाणी महापालिकेमार्फत मलवाहिनी टाकण्यात आलेली नाही. त्यामुळे परिसरातील नागरीकांकरीता सार्वजनिक शौचालय बांधताना सेप्टिक टँक बांधण्यात येत असून त्यामध्ये प्राथमिक प्रक्रिया करून पाणी गटारात सोडण्यात येते. अनु क्र. (२) मुंब्रा स्टेशन मुंब्रा, (३) संजय नगर, मुंब्रा, (४) अमृत नगर, मुंब्रा, (५) कादर पॅलेस (अमिनाबाद) कौसा, (६) एम. एम. व्हॅली कौसा, या परिसराकरीता भु.ग.यो. टप्पा क्र. ३ कार्यान्वित असून वर नमूद केल्याप्रमाणे कार्यवाही सुरू आहे.

सबब मुंब्रा, कौसा, दिवा, या परिसरातील सांडपाणी थेट उल्हास नदी, देसाई खाडी मध्ये सोडण्यात येत असून, मलप्रक्रिया केंद्रामधून प्रक्रिया केलेले अतिरिक्त पाणी प्रदूषण नियंत्रण मंडळाच्या मानक मर्यादेत खाडीत सोडण्यात येत आहे. तसेच उर्वरित इमारती करीता सेप्टिक टँक बांधण्यात येत असून त्यावर प्राथमिक प्रक्रिया होऊन सोकपीट मधून अतिरिक्त पाणी गटारामधून खाडीत सोडण्यात येत आहे. त्यामुळे उल्हास नदी/ देसाई खाडी मध्ये ठाणे महानगरपालिकेमार्फत कोणत्याही प्रकारे अशास्त्रीय पद्धतीने सांडपाणी सोडण्यात येत नाही.

सादर ठाणे महानगरपालिकेमार्फत मलनिस्सारण योजनेबाबत करण्यात येत असलेली कार्यवाही आपल्या माहितीसाठी कळविण्यात येत आहे.

कळावे .



[Handwritten Signature]

कार्यकारी अभियंता
मलनिस्सारण विभाग
ठाणे महानगरपालिका, ठाणे

प्रत :- १) मा. नगर अभियंता, माहितीसाठी सादर.

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page.]