BEFORE THE NATIONAL GREEN TRIBUNAL, (WESTERN ZONE) PUNE

ORIGINAL APPLICATION NO: 343/2021

APPLICANT: MADHURA RAJESH TAWDE

VS.

RESPONDENTS: STATE OF MAHARASHTRA & ORS.

SUBMISSIONS ON BEHALF OF THE RESPONDENT NO.4 IN CONTINUANCE OF THE COMPLIANCE REPORT DATED 12/10/2023

MOST RESPECTFULLY SHOWETH,

The Respondent No.4 in the instant matter most humbly submits:

1. That in pursuance to the directions issued by the Principal Bench of this Hon'ble Tribunal on 28/09/22 & 15/03/23, the Respondent No.4 namely the Dy Commissioner of Salt, Mumbai had placed on record the Action Taken Repot (ATR) on 12/10/2023. In continuance to the Action Taken Report the Respondent No.4 is pursuing the removal of the C&D waste in a proper manner. The events & actions happened in this case since 12/10/2023 are listed as below:

a) During December 2023, Shri Murarilal N. Garodia & Anr. of Hormoz Salt Works, the Salt Pan Operators have filed Criminal WP No.311/2024 against the FIR No. 144/2023 filed against them for non-compliance in removing C & D waste dumped in Hormoz salt works. Vide order dated 10/04/2024 in the said petition, the Petitioners are exempted from appearing before the

NOTARY A.N. SINGH (Advocate) Supreme Court of India Regd. No. 16959 Exp. Date : 31.01.2025 GOVT. OF INDIA

trial Court till the next date of hearing. The copy of order dated 10/04/2024 is annexed hereto and marked as **ANNEXURE-R4-A**. The case has not been listed since then.

b) Upon the visit by the Dy. Superintendent of Salt, Wadala Salt Factory on 7th of March 2024 to the site, it was observed that the Salt Pan Operator had nearly removed 1400 MT of C& D waste. However, the edges (Margins) of the path (Embarkment) were remained to be removed. The copy of the visit report is annexed hereto and marked as **ANNEXURE-R4-B**.

c)In view of the report of the Deputy Superintendent of Salt, the salt Manufacturer was again instructed to remove the C & D waste properly vide communique dated 08/03/24. The copy of the communique is annexed hereto and marked as **ANNEXURE-R4-C.**

d)The salt manufacturers of Hormoz salt works vide letter dated 09/03/2024 has informed that the C & D Waste has been removed by them. The copy of the letter is annexed hereto and marked as **ANNEXURE-R4-D.**

e) As the Rainy season is in offing and the maintenance and strengthening of the bund with Soil / Murum is necessary to prevent the intrusion of the sea water into the salt pan from the adjacent creek, whether the permission is required under CRZ-1B from the Ministry of Environment, Forest & Climate Change, Govt of India was the prominent issue. Thus, vide letter dated 14/03/2024 the MCZMA was informed about the same and the further clarification was sought from the Competent Authority. **ANNEXURE-R4-E.**

NOTARY
A.N. SINGH
(Advocate)
Supreme Court of India
Regd. No. 16959
Exp. Date : 31.01.2025
GOVT. OF INDIA

f) A Joint site visit of all stake holders headed by the Principal Secretary, Env. & CC Department was held on 18th March 2024. It was observed that Shri Murarilal N. Garodia & another, the salt pan operators have lifted 48 truckloads of C&D waste i.e. about 1400 MT & has stopped further removal of balance left over C&D waste. The Salt Pan Operators informed to visiting officials that as the salt manufacturing season has started, further lifting of balance C&D waste has been stopped by them. The salt manufacturers have advised that with the salt manufacturing season is underway, it is imperative to prevent sea water intrusion, which could damage the salt works. This involves reconstructing and reinforcing the bunds using approved materials. Due to severe staff shortage in the Salt Department, it has not been possible to deploy round-the-clock personnel at the site. Therefore, there is uncertainty about whether all construction and demolition waste under the bunds has been fully and correctly removed. It is requested a team, including representatives from the relevant departments conduct random tests on the bunds before reaching any conclusions. Also, at some places, the bund was widened and platform extended. The MCZMA vide their letter dated 8th April 2024 circulated the minutes of site visit and a copy of which is annexed hereto and marked as **ANNEXURE-R4-F**.

g) The MCZMA vide their letter dated 8th April 2024 issued Proposed Directions under Section 5 of the Environment (Protection) Act, 1986 read with CRZ Notification, 2019 for completely not removing C&D waste from Hormoz salt works. A copy of the said letter is annexed hereto and marked as **ANNEXURE-R4-G**.

NOTARY
A.N. SINGH
(Advocate)
Supreme Court of India
Regd. No. 16959
Exp. Date : 31.01.2025
GOVT. OF INDIA

h) Reply to the said directions was given by o/o Deputy Salt Commissioner, Mumbai vide letter dated 30th May 2024, a copy of which letter is annexed hereto and marked as **ANNEXURE-R4-H**. The Principal Secretary, Env. & CC Department has given hearing to the o/o Deputy Salt Commissioner, Mumbai on 31st May 2024 and the same was attended by officers from the o/o Deputy Salt Commissioner, Mumbai. Further instructions / orders from MCZMA are awaited. During the meeting, it was stated that since the land belongs to the Salt Department, the responsibility for removing construction and demolition waste from the Salt Pan land falls on their employees. Failure to do so may result in stern action like filing Police Complaint or registering FIR etc., against Salt Department officers. We emphasize that according to the Waste Management Rules of 2016 and directives from the Hon'ble Supreme Court in SLP, 2018, the responsibility for unauthorized dumping lies with the generators of construction and demolition waste and the Municipal Corporation of Greater Mumbai (MCGM). They are not being held accountable.

2. The Respondent No.4 further submits that prior to year 1996; production and supply of Salt was regulated by the Salt Department by issuing a license and Salt manufacturer was to abide by the terms and conditions thereon. A license was issued by the competent authority under Rule 102 of the Central Excise Rules 1944 contained in Chapter VI which pertains to salt. Other provisions of the said Chapter up to Rule 138 pertain to granting of such license, conditions thereof and other incidental powers of the authorities. However, w.e.f. 23/07/1996 entire chapter VI of the Central Excise Rules, 1944 has been repealed. With deletion of the said Chapter, therefore, salt came to be de-licensed. Noe, there is no requirement of obtaining any license or

NOTARY
A.N. SINGH
(Advocate)
Supreme Court of India
Regd. No. 16959
Exp. Date : 31.01.2025
GOVT. OF INDIA

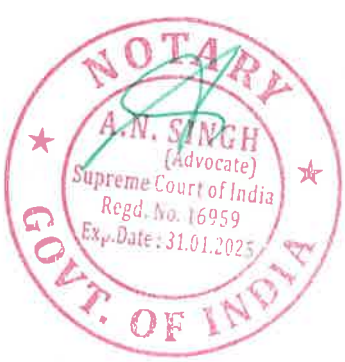
permission for manufacturing of salt. Thus, in absence of any control or power to regulate manufacturing of salt, and resultantly in absence of any requirement to obtain license for such manufacture, the answering Respondent cannot, after the said date i.e. 23/07/1996, enforce any of the conditions of license.

3. In view of the same, the Answering Respondent has lost its control over the salt pan operator with regard to salt manufacturing activities. However, as the land bearing Khasra No. 144 & 145 belongs to the Govt of India, the Respondent No.4 has initiated the eviction proceedings against salt pan operators which is pending before the competent Authority.

4. Be that as it may, it is iterated that the actions taken in pursuance to the orders of the Hon'ble Tribunal, Principal bench supra were found to be appropriate and the said Report was admitted in the Tribunal.

5. It is submitted that though Answering Respondent is lacking appropriate power or authority to take any coercive or punitive action against the Salt Pan Operators. Despite this the Answering Respondent is pursuing him continuously to remove the C&D waste.

6. Be that as it may, the Answering Respondent submits that as observed by the Joint Committee in its Report submitted to the Hon'ble National Green Tribunal and observed by the Hon'ble Tribunal, Principal Bench in its order dated 15/03/23, the C& D waste was generated from the South Mumbai and was dumped by the private parties into the salt pan upon the consent of the operator. It is necessary to point out here that the land belongs to the Answering



Respondent but it is under the possession of Salt Manufacturers and the consent of the Answering Respondent in whatsoever manner was not taken either by the waste generator / service provider or the Salt pan Operator for dumping the C & D Waste. In fact, Salt Department was not even informed of these activities.

7. As per the Construction and Demolition Waste Management Rules, 2016; the responsibility for safe & scientific disposal of C&D waste generated in Mumbai City has been entrusted to the solid waste generator and the Municipal Corporation of Greater Mumbai. This responsibility further reaffirmed by the judgment of the Hon'ble Supreme Court in SLP (Civil) No. D-23708/2017 vide order dated 15/03/2018. A copy of the said order is annexed hereto and marked as **ANNEXURE-R4-I**.

8. In pursuance of the order dated 15/03/2018 of the Hon'ble Supreme Court in SLP (Civil) No. D-23708/2017, the Municipal Corporation of Greater Mumbai has issued various circulars so as to effectively implement the order of Hon'ble Supreme Court. But it is observed that the Municipal Corporation of Greater Mumbai has allowed dumping of C&D waste in salt pan lands without NOC from the owner of the land i.e. Government of India and in violation of the Construction and Demolition Waste Management Rules, 2016, in violation of order dated 15/03/2018 of the Hon'ble Supreme Court in SLP (Civil) No. D-23708/2017 and also in violation of its own circulars in this regard.

9. Thus. for the waste generator it was mandatory to take the approval from the Municipal Corporation of Greater Mumbai and it is duty of the Municipal Corporation of Greater Mumbai

NOTARY
A.N. SINGH
(Advocate)
Supreme Court of India
Regd. No. 16959
Exp. Date : 31.01.2025
GOVT. OF INDIA

to safely dispose of the c & D waste. In the instant case it appears that both i.e. the waste generator & the Municipal Corporation of Greater Mumbai have failed to submit themselves to the provisions of the C& D Waste Management Rules 2016 and to the directions of contained in the order dated 15/03/2018 of the Hon'ble Supreme Court in SLP (Civil) No. D-23708/2017. It is sad to note that the concerned C&D Waste Generator and the Municipal Corporation of Greater Mumbai have not been directed by the Competent Authority to make efforts for removal of C&D Waste illegally dumped in salt pan lands due to their negligence and connivance.

10. However, the Respondent No. 4 through the communications addressed to the Municipal Corporation of Greater Mumbai as well as the salt pan operator is continuously urging them to take necessary steps and the appropriate action for the scientific disposal of the construction of demolition waste. In a recent visit to the Salt Works by the Dy Superintendent of Salt on 25/04/24, it was observed that there was a significant improvement in the proper removal of the C & D waste by the salt pan operators. The copy of the visit report dated 25/04/24 is annexed hereto and marked as **ANNEXURE-R4-J.** But no efforts have been taken by the Municipal Corporation of Greater Mumbai till date.

11. The Salt Manufacturers letter vide dated 03/06/2024, requested for the issuance of the Completion Certification for the removal of C & D waste. Letter of the Salt Manufacturer in this regard is annexed hereto and marked as **ANNEXURE-R4-K**. However, time and again the Officials of the Salt Department have conducted inspection of the site. Every time Construction

NOTARY
A.M. SINGH
(Advocate)
Supreme Court of India
Regd. No. 16959
Exp. Date : 31.01.2025
GOVT. OF INDIA

and demolition waste was found scattered here and there. The Salt Manufacturers demand for clearance from the department is deemed inappropriate and misleading, warranting further action against him.

Thus, the Salt Department has diligently pursued compliance with the Hon'ble National Green Tribunal orders dated 15/03/23 and have taken all necessary steps to ensure the removal of the C&D waste. To further this objective, it is recommended for the formation of a multidisciplinary team composed of representatives from various pertinent departments. This team should undertake a visit to the affected site in order to conduct a thorough assessment. Such an on-site evaluation will enable a comprehensive understanding of the situation and facilitate the determination of the necessary actions required to address the issue effectively.

PUNE

Dated 06 AUG 2024

For the Office of the Dy Salt Commissioner, Mumbai

Ashwani Kumar
Assistant Salt Commissioner
O/o Deputy Salt Commissioner
Government of India
Exchange Building, 4th Floor,
Sir Shivsagar Ramgulam Marg
Ballard Estate, MUMBAI-400001

NOTARY
A.N. SINGH
(Advocate)
Supreme Court of India
Regd. No. 16959
Exp. Date : 31.01.2025
GOVT. OF INDIA

SOLEMN AFFIRMATION

I, Shri Ashwani Kumar, S/o Sarju Singh, Aged about 34 yrs., Occupation: Section Officer, DPIIT, Ministry of Commerce & Industry at Udyog Bhavan, New Delhi- 110011, holding Additional Charge as Assistant Salt Commissioner, Mumbai, hereby take oath and state on solemn affirmation:

That I am working as Assistant Salt Commissioner with the Office of the Dy, Salt Commissioner the Respondent No.4 herein. I am conversant with the facts of the present case and therefore able to depose the same.

I say that the Counsel as per my instructions has drafted the above submissions. I have gone through the contents of the above said submissions and understood the same. I say that the contents of the Reply are true to my knowledge and as per the records of the Authority which I believe to be true. As far as the legal submissions herein are concerned the same are correct as advised by my counsel. The contents of the Reply are explained to me in vernacular which I found to be correct.

Hence, signed and verified at Delhi on this 6 day of Aug, 2024.

06 AUG 2024

Deponent
6/8/24

I know & Identify the Deponent

I identify the deponent who has Signed/Put LTI in my presence

(Atul J Pathak)

Advocate

Certified that the above Named Deponent identify by Shri/Smt. Sri Ashwani Kumar
Solemenly affirmed before me at Delhi
S. No. 9282
The contents of the affidavit which have been read & explained to me are true and correct
Notary

Ashwani Kumar
Assistant Salt Commissioner
O/o Deputy Salt Commissioner
Government of India
Exchange Building, 4th Floor,
Sir Shivsagar Ramgulam Marg
Ballard Estate, MUMBAI-400001

NOTARY A.N. SINGH (Advocate) Supreme Court of India Regd. No. 16959 Exp. Date: 31.01.2025 GOVT. OF INDIA

ATTESTED
A.N. Singh, Adv.
Notary Public
Govt. of India, New Delhi

06 AUG 2024

NOTARIAL

NOTARY A.N. SINGH (ADVOCATE) Supreme Court of India Regn. No. 16959/2020 Exp. Date: 31.01.2025 Govt. of India

Asst.
Assistant
O/o Deputy Commissioner
Government of India
Exchange Building, 4th Floor,
Sir Shivsagar Ramgulam Marg
Ballard Estate, MUMBAI-400001

Annexure R4-A

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 311 OF 2024

Murarilal N. Garodia And Anr. ...Petitioners

Versus

State Of Maharashtra And Anr. ...Respondents

....

Adv. U.P. Bobade a/w Adv. P.G. Chandeliya i/by Mr. J.H. Ramugade, Advocate for the Petitioners.

Mr. A.S. Shalgaonkar, APP for Respondent – State.

Ms. Manisha Jagtap, Advocate for Respondent No.2.

API, Sanap, Wadala Police Station.

....

CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.

DATE : 10th APRIL, 2024.

P.C.:

1. Papers are not received from Registry.

2. Learned Advocate for Respondent No.2 seeks time to file reply.

3. Stand over to 22nd April, 2024.

4. In the meantime, the Petitioners are exempted from appearing before the trial Court till the next date of hearing.

(N. R. BORKAR, J.) **(PRAKASH D. NAIK, J.)**

SUNNY ANKUSHRAO THOTE Digitally signed by SUNNY ANKUSHRAO THOTE Date: 2024.04.15 17:11:02 +0530

::: Uploaded on - 15/04/2024 ::: Downloaded on - 17/06/2024 13:11:01 :::

Annexure R4-B

443

Government of India
Office of Dy. Superintendent of Salt
Wadala Salt factory

C. No. 3(2)L&B/Wdl/2024/ 85-86 O/C

Date :7-3-2024

To,

The Dy. Salt Commissoioner
Mumbai

Subject:- Removal of C & D waste from Hormuz Salt works – regd.

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Sir,

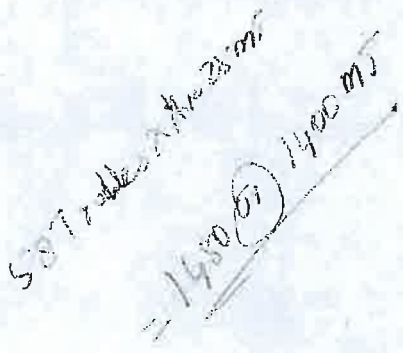
Today I have visited Hormus Salt works to observe progress made in action to remove C & D waste. Nearly 700 meters of affected he has touched whole but still he has to clear edges (margins) of the path (Embankment). Till now he has taken permission for processing of 1450 MT out of this he has utilized nearly 1400 MT. I have asked him to take further permission to meet more needed quantity.

Enclosure: Photo copies of permissions he has taken
And photos of affected area.

Yours faithfully

(S. K. Thakore)
Dy. Superintendent of Salt
Wadala Salt factory

Copy submitted to the Superintendent of Salt, Bhandup for information.



नवी मुंबई महानगरपालिका
Navi Mumbai Municipal Corporation

प्लॉट नं 1 व 2, गोवर्धनी चौक, सेक्टर 15ए, सी.बी.डी., बेलापूर,नवी मुंबई 400 614
दूरध्वनी क्र : 2756 7001
फॅक्स : 2756 7002

Plot No. 1 & 2, Govardhani Chowk, Sec. 15A,C.B.D.,Blapur, Navi Mumbai u 400 614
Tel. No. : 2756 7001
Fax No. : 2756 7002

जा.क्र./नमुमपा/उ.अ(पर्या.)/26 /2024.
दिनांक:- 28/02 /2024.

प्रति,
M/s Hormoz Salt Works,
शांतीनगर, सॉल्ट पॅन रोड,
मदीना मस्जिद, वडाळा (पु), मुंबई 400037

विषय:- मा. राष्ट्रीय हरित लवाद यांच्या आदेशानुसार वडाळा येथील M/s Hormoz Salt Works यांचे मिठागाराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करणेबाबत.

संदर्भ:- 1. नवी मुंबई महानगरपालिका सर्वसाधारण सभा मंजुर ठराव क्र. 785, दि. 24/03/2021.
2. शहर अभियंता यांचे दि. 25/01/2023 रोजीचे परिपत्रक क्र. जा.क्र.नमुंमपा/श.अ./292/2023.
3. उप अभियंता (तुर्भे) यांचे दि. 24/05/2023 रोजीचे जा.क्र.नमुंमपा/उ.अ.(तुर्भे)/243/2023 अन्वयेचे पत्र.
4. आपले दि. 09/02/2024 रोजीचे विषयांकित पत्र.

उपरोक्त संदर्भिय पत्र क्र. 1 अन्वये, सर्वसाधारण सभा मंजुर ठराव व त्याअनुषंगाने संदर्भ क्र. 2 वरील शहर अभियंता यांचे परिपत्रकाव्दारे बांधकामांतून निष्कासित राडारोड्याचे पुर्नप्रक्रीया करावयाचे आहे. तसेच याबाबत आपला संदर्भ क्र. 4 नुसार अर्ज प्राप्त झाला आहे.

तरी वडाळा येथील M/s Hormoz Salt Works यांचे मिठागाराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करण्याकरीता रू.578/- प्रति मे. टन प्रमाणे 200 मे. टन मालाकरिता रुपये 1,15,600/- अधिक 18% GST याप्रमाणे रू.20,808/- असे एकुण रू. 1,36,408/- (रूपये एक लक्ष छत्तीस हजार चारशे आठ मात्र) संबंधित कंत्राटदार/विकासकाने अन्वये लेखा विभागात भरणा करण्यात आले आहेत. त्यानुसार आपणांस खालील अटींवर परवानगी देण्यात येत आहे याची नोंद घेण्यात यावी.

1. विहित शुल्क नमुंमपाच्या लेखा विभागात भरणा केल्याबाबतचे मुळ पावती पर्यावरण विभाग येथे व राडारोडा जमा करतेवेळी प्रकल्पस्थळी अतिरिक्त पावती सादर करणेत यावी.
2. एका वेळी एकाच वाहनातुन 25 मे.टनापेक्षा जास्त परिमाणाचे राडारोडा प्रकल्पस्थळी जमा करणेपुर्वी व जमा केल्यानंतर अशा दोन्ही वजन काटा नोंदीची पावती बाहेरुन घेऊन राडारोडा प्रकल्पस्थळी जमा करण्यात याव्यात.
3. निर्दिष्ट राडारोडा परिमाण निष्कासित करणेबाबत आपले स्तरावरुन दक्षता घेण्यात यावी.
4. राडारोडा वाहतुक व नियोजनाबाबतचा ना हरकत दाखला याबाबतची परवानगी संबंधित परिमंडळ/विभाग कार्यालय यांच्याकडुन प्राप्त करुन घेण्यात यावी.
5. वाहतुक करतेवेळी वाहनाला आच्छादित करण्यात यावे जेणेकरुन धुली प्रदुषण होणार नाही.
6. राडारोडा प्रकल्पस्थळी जमा केल्यानंतर सुरक्षा रक्षक/पर्यवेक्षकाकडुन नोंद घेण्यात यावी.
7. राडारोड्यामध्ये संदर्भित परिपत्रकामध्ये निर्दिष्ट बांधकाम साहित्य व्यतिरिक्त इतर अनावश्यक साहित्य जमा न करणेबाबत दक्षता घेण्यात यावी.
8. खोदकामातुन निघणा-या घनमाती, दगड व तत्सम बांधकाम साहित्य बाबत अनुज्ञेय असणारी रॉयल्टी व इतर शासनाचे निर्दिष्ट कर भरणा करणेबाबतची जबाबदारी सर्वस्वी आपली राहील.

मा. आयुक्त सो. यांच्या मान्यतेने.

उप अभियंता (पर्यावरण)
नवी मुंबई महानगरपालिका

प्रत:- 1. शहर अभियंता यांना माहितीस्तव सविनय सादर.
2. अतिरिक्त शहर अभियंता (पर्यावरण) यांना माहितीस्तव सविनय सादर.

नवी मुंबई महानगरपालिका
प्लॉट नं. १ व २, गरवारे चौक, सेक्टर १९ए, जी.सी.बी., घणसोली नवी मुंबई ४०० ७१५
मुख्यालय : २७५६ २७०१
फॅक्स : २७५६ २७०२

Navi Mumbai Municipal Corporation
Plot No. 1 & 2, Garvare Chowk, Sec. 19A, G.B., Ghansoli, Navi Mumbai - 400 715
Tel. No. : 2756 2701
Fax No. : 2756 2702

जा.क्र./नमुमपा/उ.अ(पर्या.)/ 07 /2024.
दिनांक:- 10 / 01 /2024.

प्रति,
M/s Hormoz Salt Works,
शांतीनगर, सॉल्ट पॅन शेड,
मदीना मस्जिद, वडाळा (पु), मुंबई 400037

विषय:- मा. राष्ट्रीय हरित लवाद यांच्या आदेशानुसार वडाळा येथील M/s Hormoz Salt Works यांचे मिठागराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करणेबाबत.

संदर्भ:- 1. नवी मुंबई महानगरपालिका सर्वसाधारण सभा मंजुर ठराव क्र. 785, दि. 24/03/2021.
2. शहर अभियंता यांचे दि. 23/01/2023 रोजीचे परिपत्रक क्र. जा.क्र.नमुंमपा/ना.अ./292/2023.
3. उप अभियंता (तुर्भे) यांचे दि. 24/05/2023 रोजीचे जा.क्र.नमुंमपा/उ.अ.(तुर्भे)/243/2023 अन्वये पत्र.
4. आपले दि. 04/12/2023 रोजीचे विनंतीपत्र.

उपरोक्त संदर्भिय पत्र क्र. 1 अन्वये, सर्वसाधारण सभा मंजुर ठराव व त्याअनुषंगाने संदर्भ क्र. 2 वरील शहर अभियंता यांचे परिपत्रकाव्दारे बांधकामातुन निष्कासित राडारोड्याचे पुर्नप्रक्रीया करावयाचे आहे. तसेच याबाबत आपला संदर्भ क्र. 4 नुसार अर्ज प्राप्त झाला आहे.

तरी वडाळा येथील M/s Hormoz Salt Works यांचे मिठागराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करण्याकरीता रू. 578/- प्रति मे. टन प्रमाणे 500 मे. टन मालाकरिता रुपये 2,89,000/- अधिक 18% GST याप्रमाणे रू.52,020/- असे एकुण रू. 3,41,020/- (रूपये तीन लक्ष एकेचाळीस हजार वीस मात्र) संबंधित कंत्राटदार/विकासकाने दि. 10/01/2024 रोजी पावती क्र. ACC/109063 अन्वये लेखा विभागात भरणा करण्यात आले आहेत. त्यानुसार आपणांस खालील अटींवर परवानगी देण्यात येत आहे याची नोंद घेण्यात यावी.

1. विहित शुल्क नमुंमपाच्या लेखा विभागात भरणा केल्याबाबतचे मुळ पावती पर्यावरण विभाग येथे व राडारोडा जमा करतेवेळी प्रकल्पस्थळी अतिरिक्त पावती सादर करणेत यावी.
2. एका वेळी एकाच वाहनातुन 25 मे.टनापेक्षा जास्त परिमाणाचे राडारोडा प्रकल्पस्थळी जमा करणेपुर्वी व जमा केल्यानंतर अशा दोन्ही वजन काटा नोंदीची पावती बाहेरुन घेऊन राडारोडा प्रकल्पस्थळी जमा करण्यात याव्यात.
3. निर्दिष्ट राडारोडा परिमाण निष्कासित करणेबाबत आपले स्तरावरुन दक्षता घेण्यात यावी.
4. राडारोडा वाहतुक व नियोजनाबाबतचा ना हरकत दाखला याबाबतची परवानगी संबंधित परिमंडळ/विभाग कार्यालय यांच्याकडुन प्राप्त करुन घेण्यात यावी.
5. वाहतुक करतेवेळी वाहनाला आच्छादित करण्यात यावे जेणेकरुन धुली प्रदुषण होणार नाही.
6. राडारोडा प्रकल्पस्थळी जमा केल्यानंतर सुरक्षा रक्षक/पर्यवेक्षकाकडुन नोंद घेण्यात यावी.
7. राडारोड्यामध्ये संदर्भित परिपत्रकामध्ये निर्दिष्ट बांधकाम साहित्य व्यतिरिक्त इतर अनावश्यक साहित्य जमा न करणेबाबत दक्षता घेण्यात यावी.
8. खोदकामातुन निघणा-या वनमाती, दगड व तत्सम बांधकाम साहित्य बाबत अनुज्ञेय असणारी रॉयल्टी व इतर शासनाचे निर्दिष्ट कर भरणा करणेबाबतची जबाबदारी सर्वस्वी आपली राहील.

मा. आयुक्त सो. यांच्या मान्यतेने.

उप अभियंता (पर्यावरण)
नवी मुंबई महानगरपालिका

प्रत:- 1. शहर अभियंता यांना माहितीस्तव सविनय सादर.
2. अतिरिक्त शहर अभियंता (पर्यावरण) यांना माहितीस्तव सविनय सादर.

नवी मुंबई महानगरपालिका
सी.बी.डी., बेलापूर,नवी मुंबई 400 614
दूरध्वनी क्र : 2756 7001
फॅक्स : 2756 7002

Plot No. 1 & 2, Govardhan Chowk, Sec. 15A,C.B.D.,Belapur, Navi Mumbai 400 614
Tel. No. : 2756 7001
Fax No. : 2756 7002

जा.क्र./नमुमपा/अ.श.अ.(पर्या.)/282/2023.
दिनांक:- 30 /06/2023.

प्रति,
M/s Hormoz Salt Works,
शांतीनगर, सॉल्ट पॅन रोड,
मदीना मस्जिद, वडाळा (पु), मुंबई 400037

विषय:- मा. राष्ट्रीय हरित लवाद यांच्या आदेशानुसार वडाळा येथील M/s Hormoz Salt Works यांचे मिठागाराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करणेबाबत.

संदर्भ:- 1. नवी मुंबई महानगरपालिका सर्वसाधारण सभा मंजुर ठराव क्र. 785, दि. 24/03/2021.
2. शहर अभियंता यांचे दि. 25/01/2023 रोजीचे परिपत्रक क्र. जा.क्र.नमुंमपा/श.अ./292/2023.
3. उप अभियंता (तुर्भे) यांचे दि. 24/05/2023 रोजीचे जा.क्र.नमुंमपा/उ.अ.(तुर्भे)/243/2023 अन्वयेचे पत्र.
4. आपले दि. 12/06/2023 रोजीचे विषयांकित पत्र.

उपरोक्त संदर्भिय पत्र क्र. 1 अन्वये, सर्वसाधारण सभा मंजुर ठराव व त्याअनुषंगाने संदर्भ क्र. 2 वरील शहर अभियंता यांचे परिपत्रकाव्दारे बांधकामातुन निष्कासित राडारोड्याचे पुर्नप्रक्रीया करावयाचे आहे. तसेच याबाबत आपला संदर्भ क्र. 4 नुसार अर्ज प्राप्त झाला आहे.

तरी वडाळा येथील M/s Hormoz Salt Works यांचे मिठागाराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करण्याकरीता रू. 578/- प्रति मे. टन प्रमाणे 500 मे. टन मालाकरिता रुपये 2,89,000/- अधिक 18% GST याप्रमाणे रू.52,020/- असे एकुण रू. 3,41,020/- (रूपये तीन लक्ष एकेचाळीस हजार वीस मात्र) संबंधित कंत्राटदार/विकासकाने लेखा विभागात भरणा करुन पावती या कार्यालयास सादर करणेचे अधिन राहून आपणांस खालील अटींवर परवानगी देण्यात येत आहे याची नोंद घेण्यात यावी.

1. विहित शुल्क नमुंमपाच्या लेखा विभागात भरणा केल्याबाबतचे मुळ पावती पर्यावरण विभाग येथे व राडारोडा जमा करतेवेळी प्रकल्पस्थळी अतिरिक्त पावती सादर करणेत यावी.
2. एका वेळी एकाच वाहनातुन 25 मे.टनापेक्षा जास्त परिमाणाचे राडारोडा प्रकल्पस्थळी जमा करणेपुर्वी व जमा केल्यानंतर अशा दोन्ही वजन काटा नोंदीची पावती बाहेरुन घेऊन राडारोडा प्रकल्पस्थळी जमा करण्यात याव्यात.
3. निर्दिष्ट राडारोडा परिमाण निष्कासित करणेबाबत आपले स्तरावरुन दक्षता घेण्यात यावी.
4. राडारोडा वाहतुक व नियोजनाबाबतचा ना हरकत दाखला याबाबतची परवानगी संबंधित परिमंडळ/विभाग कार्यालय यांच्याकडुन प्राप्त करुन घेण्यात यावी.
5. वाहतुक करतेवेळी वाहनाला आच्छादित करण्यात यावे जेणेकरुन धुली प्रदुषण होणार नाही.
6. राडारोडा प्रकल्पस्थळी जमा केल्यानंतर सुरक्षा रक्षक/पर्यवेक्षकाकडुन नोंद घेण्यात यावी.
7. राडारोड्यामध्ये संदर्भित परिपत्रकामध्ये निर्दिष्ट बांधकाम साहित्य व्यतिरिक्त इतर अनावश्यक साहित्य जमा न करणेबाबत दक्षता घेण्यात यावी.
8. खोदकामातुन निघणा-या घनमाती, दगड व तत्सम बांधकाम साहित्य बाबत अनुज्ञेय असणारी रॉयल्टी व इतर शासनाचे निर्दिष्ट कर भरणा करणेबाबतची जबाबदारी सर्वस्वी आपली राहील.

मा. आयुक्त सो. यांच्या मान्यतेने.

अतिरिक्त शहर अभियंता
नवी मुंबई महानगरपालिका

प्रत:- शहर अभियंता यांना माहितीस्तव सविनय सादर.

जा.क्र./नमुंमपा/उ.अ.(पर्या.)/ 51 /2023.
दिनांक:- 14 /06/2023.

प्रति,
M/s Hormoz Salt Works,
शांतीनगर, सॉल्ट पॅन रोड,
मदीना मस्जिद, वडाळा (पु), मुंबई 400037

विषय:- मा. राष्ट्रीय हरित लवाद यांच्या आदेशानुसार वडाळा येथील M/s Hormoz Salt Works यांचे मिठागाराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करणेबाबत.

संदर्भ:- 1. नवी मुंबई महानगरपालिका सर्वसाधारण सभा मंजुर ठराव क्र. 785, दि. 24/03/2021.
2. शहर अभियंता यांचे दि. 25/01/2023 रोजीचे परिपत्रक क्र. जा.क्र.नमुंमपा/श.अ./292/2023.
3. उप अभियंता (तुर्भे) यांचे दि. 24/05/2023 रोजीचे जा.क्र.नमुंमपा/उ.अ.(तुर्भे)/243/2023 अन्वयेचे पत्र.
4. आपले दि. 12/06/2023 रोजीचे विषयांकित पत्र.

उपरोक्त संदर्भिय पत्र क्र. 1 अन्वये, सर्वसाधारण सभा मंजुर ठराव व त्याअनुषंगाने संदर्भ क्र. 2 वरील शहर अभियंता यांचे परिपत्रकाव्दारे बांधकामातुन निष्कासित राडारोड्याचे पुर्नप्रक्रीया करावयाचे आहे. तसेच याबाबत आपला संदर्भ क्र. 4 नुसार अर्ज प्राप्त झाला आहे.

तरी वडाळा येथील M/s Hormoz Salt Works यांचे मिठागाराच्या Bunds तयार करण्याकरीता वापरण्यात आलेला राडारोडा C&D Waste प्रक्रीया प्रकल्पामध्ये जमा करण्याकरीता रू. 578/- प्रति मे. टन प्रमाणे 250 मे. टन मालाकरिता रुपये 1,44,500/- अधिक 18% GST याप्रमाणे रू.26,010/- असे एकुण रू. 1,70,510/- (रूपये एक लक्ष सत्तर हजार पाचशे दहा मात्र) संबंधित कंत्राटदार/विकासकाने दि. 14 /06/2023 रोजी पावती क्र. ACC/106695 अन्वये लेखा विभागात भरणा करण्यात आले आहेत. त्यानुसार आपणांस खालील अटींवर परवानगी देण्यात येत आहे याची नोंद घेण्यात यावी.

1. विहित शुल्क नमुंमपाच्या लेखा विभागात भरणा केल्याबाबतचे मुळ पावती पर्यावरण विभाग येथे व राडारोडा जमा करतेवेळी प्रकल्पस्थळी अतिरिक्त पावती सादर करणेत यावी.
2. एका वेळी एकाच वाहनातुन 25 मे.टनापेक्षा जास्त परिमाणाचे राडारोडा प्रकल्पस्थळी जमा करणेपुर्वी व जमा केल्यानंतर अशा दोन्ही वजन काटा नोंदीची पावती बाहेरुन घेऊन राडारोडा प्रकल्पस्थळी जमा करण्यात याव्यात.
3. निर्दिष्ट राडारोडा परिमाण निष्कासित करणेबाबत आपले स्तरावरुन दक्षता घेण्यात यावी.
4. राडारोडा वाहतुक व नियोजनाबाबतचा ना हरकत दाखला याबाबतची परंवानगी संबंधित परिमंडळ/विभाग कार्यालय यांच्याकडुन प्राप्त करुन घेण्यात यावी.
5. वाहतुक करतेवेळी वाहनाला आच्छादित करण्यात यावे जेणेकरुन धुली प्रदुषण होणार नाही.
6. राडारोडा प्रकल्पस्थळी जमा केल्यानंतर सुरक्षा रक्षक/पर्यवेक्षकाकडुन नोंद घेण्यात यावी.
7. राडारोड्यामध्ये संदर्भित परिपत्रकामध्ये निर्दिष्ट बांधकाम साहित्य व्यतिरिक्त इतर अनावश्यक साहित्य जमा न करणेबाबत दक्षता घेण्यात यावी.
8. खोदकामातुन निघणा-या घनमाती, दगड व तत्सम बांधकाम साहित्य बाबत अनुज्ञेय असणारी रॉयल्टी व इतर शासनाचे निर्दिष्ट कर भरणा करणेबाबतची जबाबदारी सर्वस्वी आपली राहील.

मा. आयुक्त सो. यांच्या मान्यतेने.

उप अभियंता (पर्यावरण)
नवी मुंबई महानगरपालिका करीता

प्रत:- 1. शहर अभियंता यांना माहितीस्तव सविनय सादर.
2. अतिरिक्त शहर अभियंता (पर्यावरण) यांना माहितीस्तव सविनय सादर.

Annexure R4-C

GOVERNMENT OF INDIA
Office of the Deputy Salt Commissioner
Exchange Building, 4th floor, Sir ShivsagarRamgulamMarg, Ballard Estate,
MUMBAI – 400 001
Phone: 2082 5206, 2082 2192
E-mail: dsaltcom.mum@nic.in

C. No. D-11030//Land/2008/III/ 812-21 Dated .03.2024

To
Shree Murarilal N. Gadodia
Shree Byram Rohinton Dhalla
M/s Hormoz Salt Works,
Wadala,
Mumbai

Sub.: Lifting, transporting & Processing C&D Waste dumped for preparation of bunds on Salt Pan Land in Wadala–M/s Hormoz Salt works - F/North ward–Reg.

Ref :1-This office letter C. No. D-11030/13/Land/2008/II/5062-65 dt. 28.11.2023, even No. 5046-48 dt. 23.11.2023, even No. 2790-2800 dt. 14.06.2023, even No 2685-95 dt. 08.06.23 and even No. 2686-94 29.05.23.
This office letter C. No. S-11011(30)Salt/84/ 262-64 dt 12.01.2023
This office letter C. No. S-11011(30)Salt/84/ 5430-5436 dated 29.10.2022
Deputy Superintendent of Salt, Bhandup office E-mail dated 24.01.2024
Dy. Supdt. of Salt, Bhandup letter C.No.9/2/Land/WD/2023/340 dated 27.10.2023
Dy.Supdt.ofSalt,Bhandup letter C.No.9/2/Land/WD/2023/285dated12.10.2023
Dy. Supdt. of Salt, Bhandup letter C.No.1(1)Admn/WDL/2021/194 dated 18.07.2023

Sir,

Please refer to this above referred letters in respect of above cited subject wherein you were time and again requested to completely remove C&D waste from the Salt works in a proper Way.

The Factory officer, Wadala has reported to this office that C&D waste is not being lifted properly from the outer bunds of the Salt works. It seems that despite issuing various warnings and even filing of an FIR bearing No. 144/2023 against you, C&D waste is not being removed properly from the salt pan lands as per instructions of the Hon'ble Nation Green Tribunal, Principal Bench vide orders passed in OA No. 343/2023.

You are well aware that in compliance to Hon'ble NGT order, C&D waste must be completely removed from the Salt Works as the same is endangering notified mangroves along the periphery of the Salt Works and which may ultimately cause harm to environment.

You are hereby once again instructed to comply with the order of Hon'ble NGT in true spirit and remove C&D waste from the Salt works completely at the earliest without any defects. Failing which appropriate action will be taken against you by the Competent Authority.

Please acknowledge the receipt of the letter.

Yours Faithfully,
Ranjeet Kumar
(Ranjeet Kumar)
Superintendent of Salt,
Regional Office, Mumbai

E-mail

Copy for information and necessary action to:

1. The Deputy Municipal Commissioner (SWM), BMC HO, Annexe Building, 3rd Floor, Mahapalika Marg, Mumbai-400 001.
2. The Director (Environment), Environment & Climate Change Department, 15th Floor, New Administrative Building, Mantralaya, Mumbai-400 032.
3. The Principal Secretary, Environment & Climate Change Department ,15th Floor, New Administrative Building, Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai-400 032.
4. The Executive Engineer (SWM), Zone-II, MCGM, 3rd Floor, F/North Ward Office, Matunga 96, Bhau Daji Road, Mumbai-400 019.
5. The Assistant Engineer (SWM), F/N Ward, MCGM, 3rd Floor, F/North Ward Office, Matunga 96, Bhau Daji Road, Mumbai-400 019.
6. The Regional Officer, Maharashtra Pollution Control Board, Kalpataru Point, 1st Floor, Opp. PVR Theatre, Sion (E), Mumbai-400 022.
   The concerned departments are also requested to take appropriate action at their end, please.
7. Copy Submitted to the salt commissioner, Jaipur, for Information.
8. Copy to:

A. The Superintendent of Salt, Bhandup.

B. The Deputy Superintendent of salt, Wadala.

ANNEXURE - R4-D

Anx. 2

Subject to Mumbai Jurisdiction

HORMOZ SALT WORKS

MFG. OF: INDUSTRIAL KITCHEN & IODIZED SALT

Shanti Nagar, Salt Pan Road, Near Madina Masjid, Wadala (E), Mumbai - 400 037

✆ Off.: 022-23513327 / 98200 86081 / 99209 97280

To,
Deputy Salt Commissioner
Exchange Building
Fort
Mumbai.

Date -09/03/2024

Sub – Lifting , Transporting & Processing C&D Waste
dumped for preparation of bunds of salt pan land in Wadala.

Reference – Your letter C.N.D- 11303/13/LAND/2008/III/812-21
Date 08/03/2024 on the above subject.

Dear Sir,

We hereby acknowledge receipt of your above menticned letter.

On going through what has been stated therein, it seems that there is some gap in communication & and also complete awareness of the current position at the site.

At present, almost entire C & D waste dumped at the outer bund of our salt works has been removed. What little is noticed in the pictures of the site taken today (enclosed herewith), is what may have fallen off trucks transporting the material out of our site, or has fallen off the scoop of the excavator at the time of lifting and dumping into the trucks.

Our intention to fully comply with the direction of the Honourable NGT to remove it in its entirety remains unchanged and this final clean-up is ongoing.

You are requested to visit our salt works as your visit will enable you to be convinced of our compliance and also enable us to get a compliance certificate in NGT matter 343/2021. It will also help to understand first-hand what your observations are in order to complete the work to your satisfaction.

Yours faithfully

Hormuz Salt Works

Photos of Bund enclosed

Subject to Mumbai Jurisdiction

HORMOZ SALT WORKS

MFG. OF: INDUSTRIAL KITCHEN & IODIZED SALT

Shanti Nagar, Salt Pan Road, Near Madina Masjid, Wadala (E), Mumbai - 400 037

✆ Off.: 022-23513327 / 98200 86081 / 99209 97280

Copy for information

1)The Deputy Municipal Commissioner (SWM),BMC HO, Annexe Building , 3rd Floor, Mahapalika Marg, Mumbai -400001 – emailed

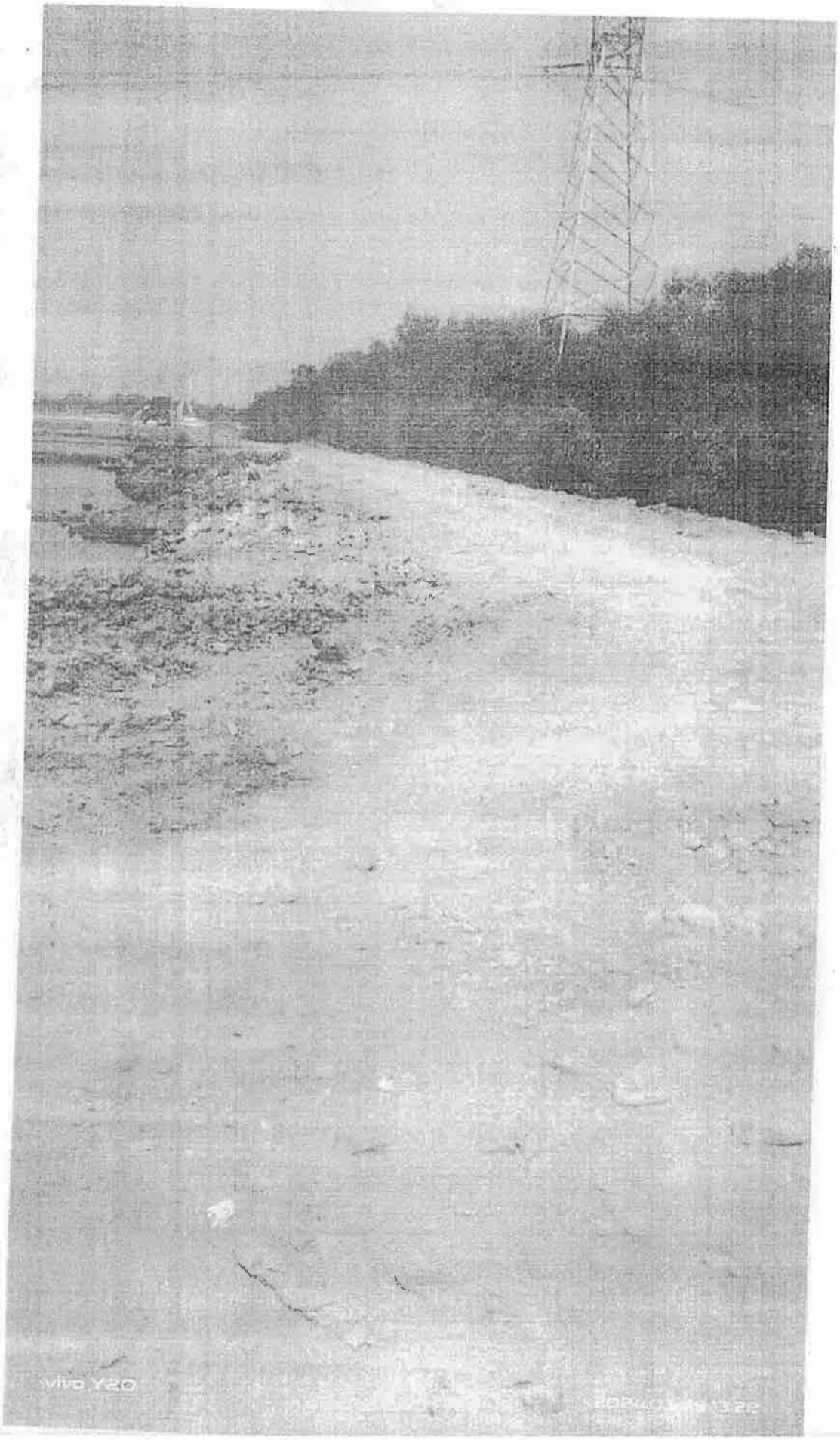
2)The Director (Environment),Environment & Climate Change Department,15th Floor, New Administrative Building, Mantralaya ,Mumbai- 400032 – emailed

3) The Principal Secretary ,Environment & Climate Change Department,15th floor, New Administrative Building, Madam Cama Road , Hutatma Rajguru Chowk , Mantralaya – emailed

4) The Executive Engineer (SWM),Zone – II MCGM 3RD Floor F/North Ward Office,Matunga 96,Mumbai -400019 - emailed

5) The Superintendent of Salt ,Bhandup

6) The Deputy Superintendent of Salt ,Wadala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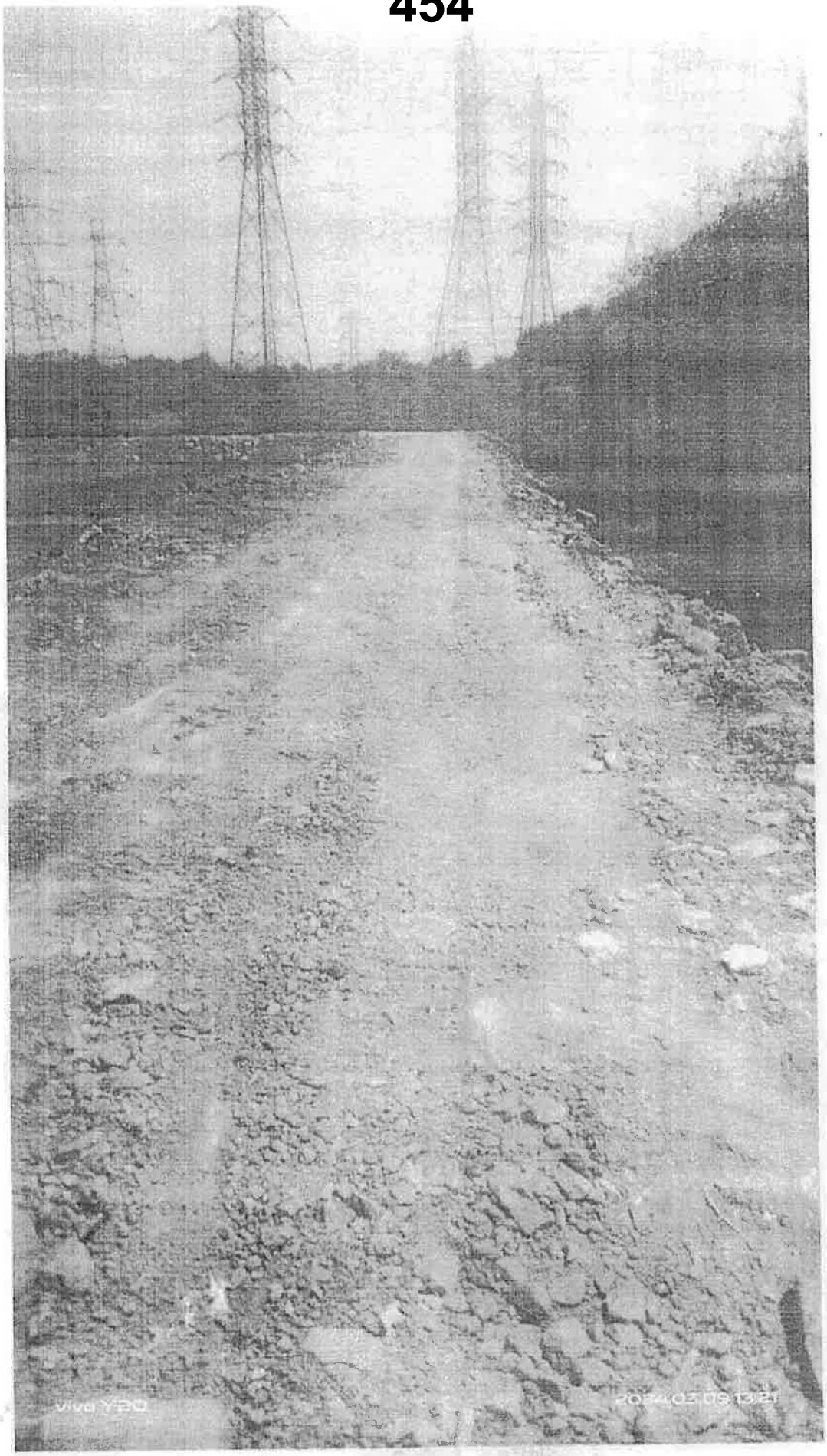
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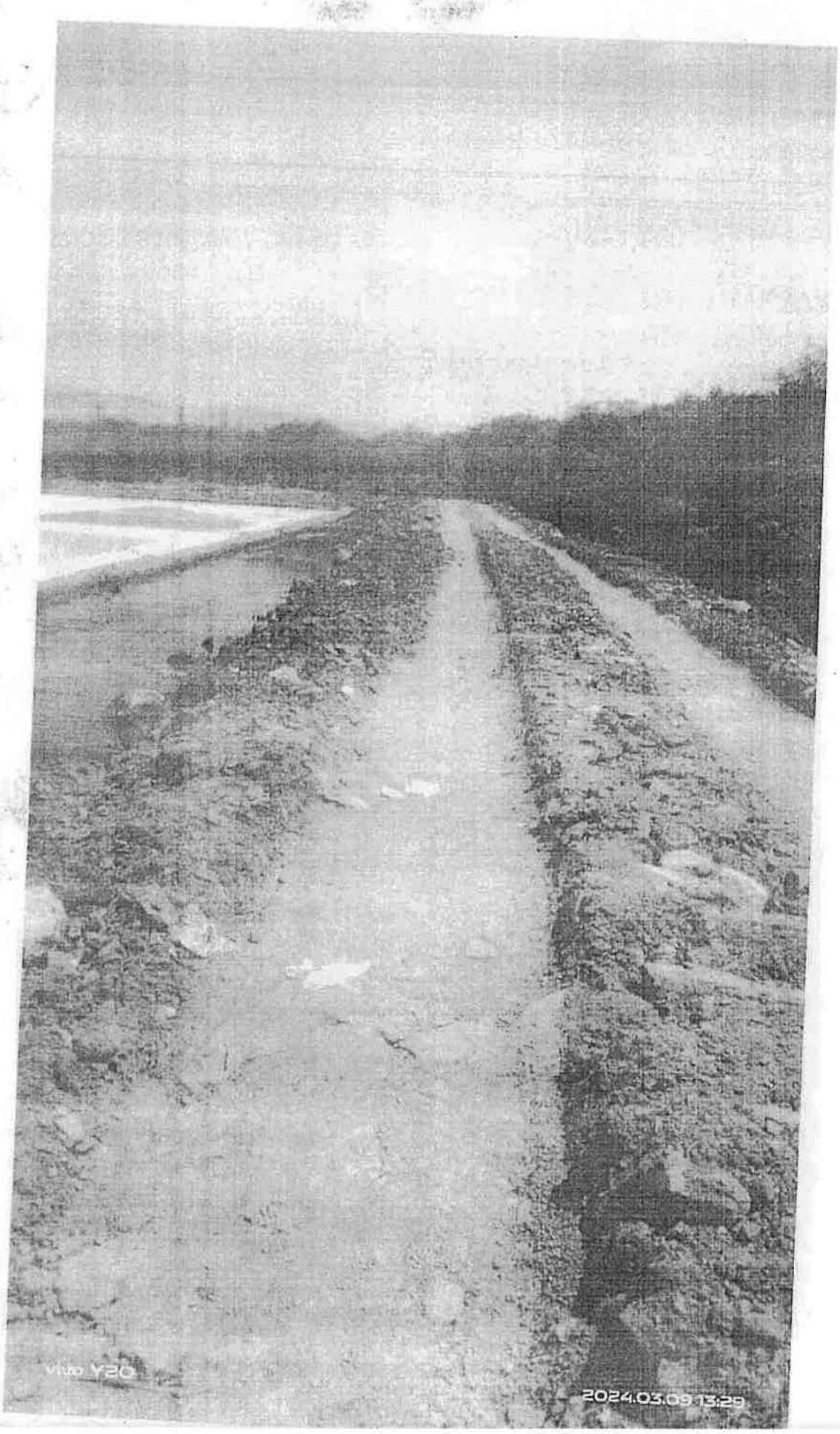
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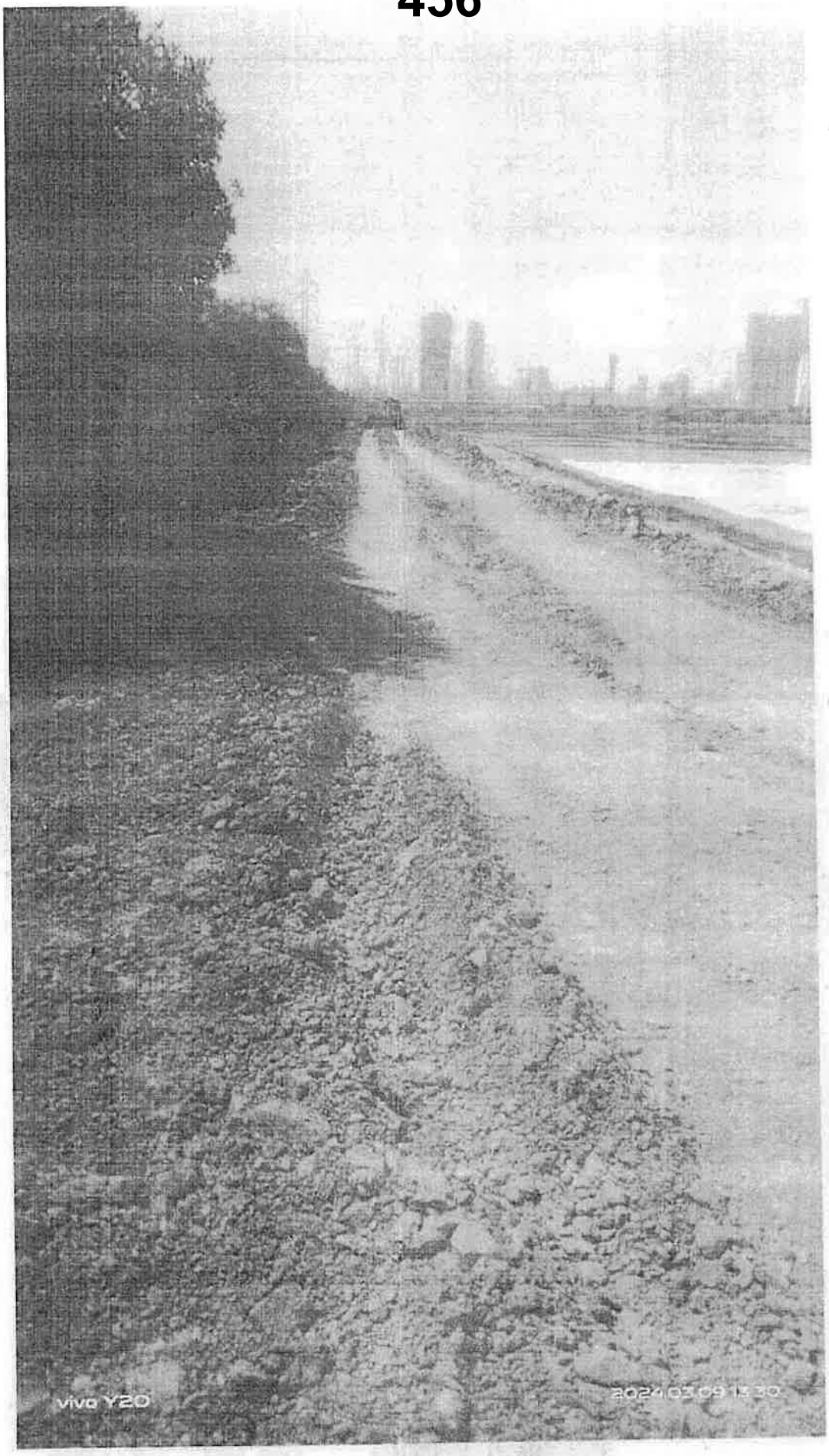
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2024 03 09 13:30

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Annexure-R4-E

Email: dsaltcom.mum@nic.in
Phone: 022-20825206, 20822192

भारत सरकार
GOVERNMENT OF INDIA
उपनमक आयुक्त कार्यालय
Office of the Deputy Salt Commissioner
एक्स्चेंज बिल्डींग, चौथी मंजील, सर शिवसागर रामगुलाम मार्ग, बेलार्ड ईस्टेट, मुंबई - 400001.
Exchange Building, 4th floor, Sir Shivsagar Ramgulam Marg,
Ballard Estate, MUMBAI – 400001

C. No. D-11030(1)Land/2008/II/ 943-946 Date: 14 /03/2024

To,

The Under Secretary (Environment & CC Department),
Maharashtra (Coastal Zone Management Authority,
15th Floor, New Administrative Building,
Opp. Main Mantralaya Building, Mumbai – 400032.

Sir,

Sub : Compliance of order passed by Hon'ble NGT, Principal Bench, New Delhi in OA No. 343/2021 (Madhura Rajesh Tawade Vs State of Maharashtra) – Removal of C&D waste dumped in CS No. 144 & 145 of Salt Pan Division under Hormoz salt works at Wadala Salt Factory – Reg.

Please refer to your letter No. CZMA Format 2024/CR/TC-4 dated 04.03.2024 on the above subject.

In this regard it is informed that M/s Hormoz salt works was constructed during year 1918-1920. Salt is being manufactured therein since then. A bund is constructed to protect a Salt Works from intrusion of sea water or tidal waves. Bunds are eroded every year due to natural disturbances like heavy rain, tidal waves etc. Maintenance of the outer embankments and inner bunds is a routine work and it is repaired annually. Outer bunds in M/s Hormoz salt works is also repaired if & when required since year 1918-20.

Since bunds of M/s Hormoz salt works is century old; no permission seems to be required for annual maintenance in terms of Ministry of Environment, Forest & CC dated 29.10.2022. However, as such instructions from MCZMA may have further implications for the existing salt industry, the matter is being referred to the Ministry of Environment, Forest & Climate Change, Government of India through the Competent Authority for further

clarifications on the issue of annual permissions as indicated by you in your above referred letter.

It is further informed that the compliance report of this office with regard to Hon'ble NGT order dated 15.03.2023 in OA No. 343/2021 has already been filed by this office in Hon'ble NGT, Principal Bench, New Delhi on 12.10.2023 (**Annexure No. 1**). The salt manufacturers of Hormoz salt works vide their letter dated 09.03.2024 (**Annexure No. 2**) has informed that the C&D waste has been removed by them. The same can be verified during the joint site visit proposed on 18.03.2024.

Encl. : As above.

Yours faithfully,

(Ranjeet Kumar)
Superintendent of Salt
o/o Deputy Salt Commissioner
MUMBAI

Copy submitted to the Salt Commissioner, Jaipur for information and necessary action (By email).

Copy for information and necessary action to:-

1. The Superintendent of Salt, Bhandup.
2. The Deputy Superintendent of Salt, Wadala.

Annx. 1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

ORIGINAL APPLICATION No. 343/2021

IN THE MATTER OF

MADHURA RAJESH TAWDE

VERSUS

STATE OF MAHARASHTRA

REPORT IN COMPLIANCE WITH THE ORDER DATED 15/03/2023 PASSED BY THE HON'BLE NGT, NEW DELHI.

Background: - That one Madhura Rajesh Tawade filed OA No. 343/2021 before the Hon'ble National Green Tribunal, New Delhi praying therein for remedial action against damage to the Environment in Mumbai city near coastal road at Wadala to Mahul, close to Chembur to Chhatrapati Shivaji Maharaj Terminus freeway by adding C&D debris on the salt pan, making island out of it and encroaching the same, affecting the Mangroves which are important for Mumbai city stating that the said actions are against CRZ Regulations issued under Environment (Protection) Act, 1986. In the above-stated application, the Hon'ble NGT, New Delhi has passed Orders dated 28.09.2022 and 15.03.2023. As per the Order dated 28.09.2022, it has been ordered in para 5 as below:

"5. *The recommendations in the report to remove unauthorized dumping of waste, removing illegal encroachments and restoration of the area have to be accepted. MCGMA has to prepare a time bound action plan with budgetary support in the matter and has to issue directions for scientific handling of waste. The Salt Commissioner, Mumbai has also to take necessary action in the matter. This needs to be overseen by the Principal Secretary, Environment, Maharashtra. NCZMA has also to oversee compliance in terms of Notification dated 11.05.2022 issued by the MoEF&CC. The NCZMA and Principal Secretary, Environment, Maharashtra may file action taken reports after coordinating with concerned authorities, particularly giving progress in encroachments removed, waste collected and sent to authorized processing plant, restoration of degraded/ encroached area and plan to set up C&D processing plants and other associated actions within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

It is to mention that the Salt Department (Govt. of India) is not a party to the above-said Original Application. However, in order to comply with the Orders of the Hon'ble NGT, New Delhi, the Salt Department (Govt. of India) has taken necessary actions from time to time and also submitted its report to the Principal Secretary, Environment and Climate Change Department, Govt. of Maharashtra on 23.05.2023.

In compliance with the Hon'ble NGT's Orders dated 28.09.2022 & 15.03.2023 and pursuant to the mail dated 12.09.2023 received from the Hon'ble NGT (judicial-ngt@gov.in), it is

humbly submitted that, the Office of Dy. Salt Commissioner, Mumbai has taken the following actions: -

Sr. No.	SUBJECT MATTER/ISSUES ON THE SALT PAN LAND	ACTION TAKEN
1.	Removal of encroachment in CS No. 144 & 145 of Salt Pan Division under Hormoz Salt Works	1. The demolition drive was conducted by O/o-Dy. Salt Commissioner, Mumbai on 02.06.2022 and about 60 illegal/ unauthorized structures were demolished. Further, a compound wall has been constructed along encroachment prone boundary of CS No. 144 pt. so as to prevent further encroachments in CS No. 144. The above-stated report is enclosed with this report as Annexure No. 1 2. Another demolition drive was conducted by the Salt department on 20.04.2023 subsequent to the Hon'ble NGT Order. The Deputy Superintendent of Salt, Wadala's report on demolition drive along with the coloured photographs is annexed hereto as Annexure No. 2
2.	Removal of temporary huts used as labour sheds in CS No. 145 of Salt Pan Division under Hormoz Salt Works	All the temporary labour rest sheds made of tarpaulin sheets have been removed in June, 2023 as all the labours have moved to their native places due to closure of salt manufacturing season. Photographs of the said removal are enclosed hereto as Annexure No. 3
3.	Removal of C&D waste used by the Salt Manufactures for strengthening of outer embankments in CS No. 145 of Salt Pan Division under Hormoz Salt Works	1. The Dy. Salt Commissioner, Mumbai directed the Salt Manufacturers of Hormoz Salt Works to remove C&D waste dumped in Salt Pan Lands immediately and also to remove unauthorized structures in the land, enclosed herewith as Annexure No. 4 2. On failure of the Salt Manufacturers to remove the C&D waste, the Dy. Superintendent of Salt, Wadala filed Police Complaint on 27.03.2023 against the Salt Manufacturers, enclosed as Annexure No. 5 3. The Principal Secretary, Environment, Forest & Climate Change Department of Government of Maharashtra after visiting the site on 18.04.2023 along with Salt Dept Officials and officers from other concerned Department (Annexure No. 6), vide his letter dated 20.04.2023 (Annexure No. 7) issued following directions: a. Salt Pan Department should file FIR against the salt operators and give directions to immediately stop receiving the debris / C&D waste on the salt pan site and remove the existing C&D waste from the site. b. Salt Pan Department should increase surveillance of the site and install CCTV cameras & boom barriers to strengthen the surveillance and prevent further dumping of the C&D waste. c. Complaint to be filed u/s 19 & 15 of the Environment (Protection) Act, 1986 against the Superintendent of

Salt, Deputy Superintendent of Salt & Salt Pan Operators.

d. It is the joint responsibly of the MCGM and Salt Department to remove C&D waste from the site. Deputy Salt Commissioner to immediately remove the C&D waste & illegal encroachments, hutments with the support of MCGM and Police Department. MCGM to provide the manpower and machinery for removal of the C&D waste.

4. Dy. Salt Commissioner, Mumbai replied to the Principal Secretary vide letter dated 24.04.2023 and requested to relook the directions issued vide letter dated 20.04.2023 in view of Municipal Solid Wastes (Management and Handling) Rules, 2000, Construction and Demolition Waste Management Rules 2016 and MCGM Circular on SOP for C&D waste Management dated 28.09.2018 (**Annexure No. 8**)

5. The Director, MCZMA vide letter dated 25.04.2023 (**Annexure No. 9**) ordered that the Salt Department has to carry out its responsibilities as per Hon'ble NGT order dated 28.09.2022 & dated 15.03.2023 and if any grievance is there, Salt Department may seek review of the said orders. The BMC vide his letter dated 24.04.2023 provided the financial responsibility of Rs.14.25 Cr upon Salt dept. for lifting, transporting and processing the C&D waste with help of M/s Metro Waste Handling Pvt. Ltd and threatened that in compliance shall result in legal action against Salt Dept. (**Annexure No. 9A**)

6. After receiving letter dated 27.04.2023 from Salt Manufacturers of Hormoz Salt Works (**Annexure No. 10**), the Dy. Salt Commissioner, Mumbai vide his letter dated 01.05.2023 (**Annexure No. 10A**) apprised the Principal Secretary, Environment, Govt. of Maharashtra about the offer of the Salt Manufactures to remove the C&D Waste at his own cost.

7. Additional Secretary, DPIIT, Shri Rajeev Singh Thakur vide DO Letter dated 16.05.2023 (**Annexure No. 11**) addressed to the Principal Secretary requested to relook the directions issued vide Director, MCZMA dated 20.04.2023 and BMC's letter dated 24.04.2023 (**Annexure No. 9 and 9A**)

8. The Deputy Salt Commissioner, Mumbai vide letter dated 29.05.2023 directed the Salt Manufacturers to remove C&D waste from salt pan land within 10 days' time-period. The copy of the letter dated 29.05.2023 annexed hereto as **Annexure No. 12**

9. The Deputy Salt Commissioner, Mumbai vide letter dated 01.06.2023 requested the Executive Engineer (SWM), Zone-II,

MCGM to co-operate with the Salt Manufacturers in removal and disposal of C&D waste from Hormoz Salt Works as per the Hon'ble NGT's Order dated 28.09.2022 and also asked the Local Officer for co-ordination. The copy of the letter dated 01.06.2023 is annexed hercto as **Annexure No. 13**

10. After receiving details of C&D waste processing units from MCGM on 07.06.2023(**Annexure No. 14**), the Dy. Salt Commissioner, Mumbai immediately asked Salt Manufacturers to start removing C&D waste before 12.06.2023. The Salt manufacturer was also informed that if they failed to remove the waste, the MCGM would start removing C&D waste and the cost would be recovered from the Salt Manufactures. The copy of Dy. Salt Commissioner, Mumbai's letter dated 08-06-2023 is enclosed as **Annexure No. 14A**

11. In order to expedite the process, the Deputy Superintendent of Salt, Wadala personally accompanied the Salt Manufacturers to Godrej C&D waste processing facilities and Navi Mumbai Municipal Corporations for allowing their sites for disposal of C&D Waste Unit. Godrej C&D Waste Processing collected samples from CS No. 145. The permission for C&D disposal at Navi-Mumbai Municipal Corporation (NMMC) site was obtained by the Deputy Superintendent of Salt, Wadala from the Commissioner, NMMC at about 7:00 PM on 13.06.2023.

12. The Salt Manufacturers started removal of C&D waste from Hormoz Salt Works *w.e.f.* 14.06.2023 and our officers and watch & ward staff were regularly monitoring the work of removal of C&D waste from CS No. 145 of Salt Pan Division. As it was observed that the debris removal work was going on at a slow pace, the Superintendent of Salt, Mumbai directed the Salt Manufacturers to expedite the removal of C&D debris from the site by deploying sufficient machineries and man-power before the approach of monsoon. The copy of Dy. Salt Commissioner, Mumbai's letter dated 14-06-2023 is enclosed as **Annexure No. 15**

13. Till 21.06.2023, 20 loads of dumpers of C&D waste were removed by the Salt Manufacturers from CS No. 145 of Salt Pan Division.

14. Shri Murarilal N. Garodia, the Salt Manufacturer informed vide his letter dated 21.06.2023 that as per the report of Godrej C&D Waste Processing Plant, the C&D debris dumped in CS No. 145 was mix of all types of waste and hence could not be processed; and also, NMMC was dumping the C&D waste at their land filling sites. Hence, it had been requested by Shri Garodia to allow him to dump the C&D waste at designated land fill site or dumping sites. It had also been requested by him to allow sufficient time for removal as only one dumper & only one hydraulic excavator could be moved/used at a time.

mowka.

		The copy of Shri Murarilal N. Garodia's letter dated 21-06-2023 is enclosed here as **Annexure No. 16** 15. In view of very slow pace of removal of C&D waste by the Salt Manufacture from CS No. 145, the Deputy Superintendent of Salt, Wadala filed Police complaint against the Salt Manufacturers at Wadala Police Station on 22.06.2023. The Police Officer reserved the case for enquiry and for subsequent register of the FIR, if deem fit.
4.	Present Status Report by the Factory Officer, Wadala in removal of C&D waste dumped on the C.S. No.144 &145 of Salt Pan Division, Hormoz Salt Works.	As per the report of Deputy Superintendent of Salt, Wadala, there is no lifting, transporting and processing of C&D waste from the bunds of M/s Hormoz Salt Works since 22.06.2023. In the last week of June 2023, the Salt Manufacturers approached the NMMC, Vashi to obtain permission for processing of further quantity of C&D waste but by the time, they got permission for processing of further quantity of C&D waste, the monsoon started and due to incessant raining, lifting & transporting process was halted. During monsoon season, the soil becomes muddy and there is risk of heavy vehicles getting stuck. The lifting and transporting process can be resumed after Monsoon is over. The FIR against the Salt Manufacturers as stated-above has been registered by the Wadala Police Station and a copy of FIR is enclosed as **Annexure No. 17** with this Compliance Report.

Yours Faithfully,

mohita
12-10-23

(Mohita)
Deputy Salt Commissioner,
Mumbai.

Annexure R4-f

GOVERNMENT OF MAHARASHTRA

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: https://mczma.gov.in/

No. OA 2022 / CR 3 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 8/4/2024

To,

1) Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Mahapalika Marg, Fort, Mumbai

2) Prerna Joshi,
Salt Commissioner, Government of India,
New Delhi

3) District Collector, Mumbai City
Old Custom House,
Mumbai City

4) Deputy Commissioner of Police,
Zone IV, Mumbai

5) Deputy Salt Commissioner
Office of Salt commissioner,
Belard Estate, Mumbai.

5) Regional Officer,
Maharashtra Pollution Control Board,
Sion, Kalpataru Point, Mumbai

SUB: Regarding compliance of Order dated 28.9.2022 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s GoM)

Ref: Site Visit of the Principal Secretary, Env&CC Dept on 18th March, 2024

Dear Sir/ Madam,

This is to inform you that The Principal Secretary, Environment & Climate Change Department visited the subject site of Wadala Salt Pan land on CS No. 144 & 145 at Wadala, Shanti Nagar and Govt Land CS No. 117 on 18th March, 2024 with respect to compliance of Orders dated 28.9.2022 and 15.3.2023 passed by Hon'ble NGT in OA No. 343/2021. Concern officials from MCGM, Salt Pan Department, District Collector, Mumbai City and Police Department were present for the site visit.

2. Copy of the minutes of site visit and joint meeting is attached herewith for necessary actions in the matter as directed in the minutes of site visit.

Yours faithfully,

(Vishal Madane)
Under Secretary, Environment and Climate Change Dept

Copy for information to:

1. **Principal Secretary, Environment & Climate Change Department**, 2nd Floor, Room No. 217, Annexe Building, Mantralaya, Mumbai.
2. **Director, Environment &CC Department** and Member Secretary, MCZMA, Mantralaya, Mumbai
3. **Select File TC-4**

19

MINUTES OF SITE VISIT

SUB: Compliance of Orders dated 28.9.2022 and 15.3.2023 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 343/2021 (Madhura Rajesh Tawade V/s State of Maharashtra)

The Principal Secretary, Environment & Climate Change Department visited the subject site of Wadala Salt Pan land on CS No. 144 & 145 at Wadala, Shanti Nagar on 18th March, 2024 at 10.30 am, for ensuring compliance of Orders dated 28.9.2022 and 15.3.2023 passed by Hon'ble NGT in OA No. 343/2021.

2. Concern officials from MCGM, Deputy Salt Commissioner, District Collector, MPCB, Mumbai City and Police Department were present for the site visit. List of Officials present is attached as ***Annexure I.***

3. In the light of site visit and detailed discussions deliberations, followings observations were noted and accordingly directions were given:

a) As informed by the officers from the Deputy Salt Commissioner office, 48 trucks of the C&D waste, around 1400 tons has been lifted and sent to processing site at Navi Mumbai. However, further lifting of the left over C&D waste is stopped by the Hormoz Salt works. Operators of the Salt works submitted that due to season of salt manufacturing, lifting of balance C&D waste is stopped for time being.

b) During the site visit, the balance left over C&D waste covered with murum is observed along the mangroves. At 4 locations platforms were created using C&D waste and murum. Widening of bund along the site is being developed without permission, which is in violation of CRZ norms

c) The Regional officer, MPCB, should immediacy file FIR should be lodged against the operators of the Hormoz Salt works for violation of the C&D waste rules, pollution norms, CRZ norms, Hon'ble High Court order dated 17th Sep, 2018 in PIL 87/2006 with respect to conservation & protection of mangroves.

d) The Environment &CC shall issue direction under section 5 to salt operators & office of deputy salt commissioner directing them to remove the balance C&D waste immediately, failing which this office has option but to initiate stringent action under Environment (protection) Act, 1986 and issue the closure for salt manufacturing on the subject site.

e) Office of the District collector should examine the issue of dumping of murum and violations of revenue code, if any and take action appropriately.

f) Office of the Salt Commissioner should strictly intervene and initiate necessary urgent actionable steps against salt operators for protection of their land by pursing the matter at Court & engaging Sr Counsels.

g) Office of Deputy Salt Commissioner to ensure that leftover C&D waste & hutments within 50 m mangrove buffer zone should be removed immediately and action taken report to be submitted to Env&CC Dept.

Visit Schedule on 18/03/2024 at Salt Pan land, Wadala w.r.t. O.A. No 343/2021 & M.A. No 3/2024. following members are present.

Name of Officer	Designation	Office Address	Contact No.	Email Id	Sign
1) Shri Pravin Darade, Principle Secretary	Principal Secretary				
2) Dr. Avinash Dhakane	Member Secretary.				
3) Shri. Sudhakar Shinde	A.M.C. Mumbai.				
4) Pradip Tawade	Asst. Supdt Collector Mumbai City				
5) T. Vijayam Asst. C.A.F Engr	Asst. Com Engr	o/o DSC (M)			
6) R.N. Gaike D-SS.	D-SS.	o/o DSC Mumbai			
7) S.L. Waghmare	Re Bmcw mpcb				
8) V.M. Mhamunkar	P.I. Wadala PS				
9) Kailas A Wateker	AE(SWM) FA BMC		9921665115		
10) Sanjay Kalme	DMC (SWM) BMC				
11) A.S.S.L Tamuim Shaikh Chakrpani Ale	AC (FN)				
12 S.K Thakur	Dy. Supdt.	Bhandup (E)	8976909800		
13. Anmol Garodia	Operator Salt Pan		9920997280		
14) Abhay Pingale	Direct	Guest	9890628855		
15) DR. D. A. Patil		Member			
16) Pradeep Jadhav		MPCB	9819042572		

Annexure -R4-G

GOVERNMENT OF MAHARASHTRA

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: https://mczma.gov.in/

No. OA 2023 / CR 3 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 8th April, 2024

To,
Deputy Salt Commissioner
Office of Salt commissioner,
Belard Estate, Mumbai.

SUB: Proposed Directions under Section 5 of the Environment (Protection) Act, 1986 read with CRZ Notification, 2019

WHEREAS, an Original Application No. 343/2021 has been filed by Madhura Rajesh Tawade versus State of Maharashtra before the Hon'ble National Green Tribunal, (NGT) Principal Bench, New Delhi. Grievance in this application was for remedial action against damage to the environment in Mumbai City near coastal road at Wadala to Mahul, close to Chembur to CST freeway by adding debris on the salt pan, making island out of it and encroaching the same, affecting the mangroves. Unauthorized structures are against CRZ regulations issued under Environment (Protection) Act, 1986.

2. WHREAS, the Hon'ble NGT, New Delhi had passed order dated 28.9.2022 and 15th March, 2023 wherein certain directions were issued for lifting and processing of the C&D / debris waste from the site. For compliance of Hon'ble NGT order, 4 review meetings were conducted under the chairmanship of Principal Secretary, Environment &CC on 18th October, 2022, 16th January, 2023 27th March, 2023 and 8th June, 2023 with officials of MCGM, Salt Commissioner and District Collector, Mumbai City.

3. WHEREAS, time to time, this office has issued directions to office of Deputy Salt Commissioner for ensuring the removal of the unauthorized debris/C&D waste from the Hormonz Salt Works, Wadala, Mumbai. WHEREAS, this office is in receipt of communication dated 8.8.2024 from Superintendent of Salt, Regional office, Mumbai stating that the factory officer, Wadala has reported that C&D waste is not being lifted properly from the outer bunds of the Salt Works. It seems that despite issuing various warnings and even filing FIR bearing No. 144/2023 against the Shree Muralilal N. Garodia, Shri Byram Rohinton Dhalla, M/s Hormoz Salt

Works, C&D waste is not being removed properly from the salt pan lands as per instructions of the Hon'ble NGT in the subject matter.

4. WHREAS, the Ministry of Environment, Forest and Climate Change, New Delhi published CRZ Notification, 1991, 2011 and 2019 (1991 is superseded by 2011 and 2011 is superseded by 2019) for conservation and protection of coastal environment. WHREAS, dumping of the debris in CRZ area is in contravention of CRZ norms. WHREAS, the Hon'ble High Court in PIL 87/2006 has passed an order dated 17th September, 2018 for conservation of protection of mangroves. WHEREAS, dumping of the debris/ C&D waste within 50 m mangrove buffer zone is in violation of the Hon'ble High Court order. WHREAS, without permission from CRZ point of view, bunds and platforms have been developed along the mangroves, using the illegal dumps of C&D waste which is causing the degradation of surrounding coastal environment. WHREAS, non-compliance on your part is observed with respect to removal of the debris/ C&D waste is in breach of above said Hon'ble NGT orders in Original Application No. 343/2021.

5. THEREFORE, you are hereby directed to ensure that C&D waste at the subject site is removed by the Hormoz Salt works. Action taken report be submitted within 15 days. Failing which this office has no option but to further initiate stringent action under Environment (protection) Act, 1986 and issue the closure for the subject site and its salt manufacturing activities on the subject site.

(Abhay Pimparkar)
Director, Env&CC Dept and Member Secretary, MCZMA

GOVERNMENT OF MAHARASHTRA

Tel. No. : 22029388
E-mail : dir1.mev-mh@nic.in
Website: https://mczma.gov.in/

No. OA 2023 / CR 3 / TC - 4
Office of the -
Maharashtra Coastal Zone Management Authority,
Environment & Climate Change Department,
15th floor, New Administrative Building,
Mantralaya, Mumbai- 400 032.
Date: 28th May, 2024

To,
Deputy Salt Commissioner
Office of Salt commissioner,
Belard Estate, Mumbai.

SUB: Original Application No. 343/2021 has been filed by Madhura Rajesh Tawade versus State of Maharashtra before the Hon'ble National Green Tribunal, (NGT)

Ref: 1) Proposed Directions dated 8th April, 2024 under Section 5 of the Environment (Protection) Act, 1986 read with CRZ Notification, 2019 addressed to M/s Harmoz Salt Works

2) Reply dated 2nd May, 2024 from M/s Harmoz Salt Works under the signature of Shri Murarilal Garodia

This is with reference to Proposed Directions dated 8th April, 2024 under Section 5 of the Environment (Protection) Act, 1986 read with CRZ Notification, 2019 and reply received from M/s Harmoz Salt Works in the matter. Reply on the above said proposed directions from your side is still awaited.

2. Considering the reply of M/s Harmoz Salt Works and as per rule 4 of the Environment (Protection) rules, 1986, it is hereby informed that a hearing is scheduled on 31st May, 2024 at 11.30 am before Principal Secretary, Env&CC Dept at his office at Room No. 217, 2nd floor, Environment &CC Dept, Annexe Building, Mantralaya, Mumbai. It is requested to remain present for the said hearing to present your say in the matter along with necessary information / documents.

(Abhay Pimparkar)
Director, Env&CC Dept and Member Secretary, MCZMA

Annexure

GOVERNMENT OF INDIA
Office of the Deputy Salt Commissioner
Exchange Building, 4th floor, Sir Shivsagar Ramgulam Marg, Ballard Estate,
MUMBAI – 400 001
Phone: 2082 5206, 2082 2192
E-mail: dsaltcom.mum@nic.in

SCO-22012/17/2024/R.O.M./192558/2032+02035
Dated: .05.2024

To,

Shri Abhay Pimparkar
Director, Env. & CC Dept., and
Member Secretary,MCZMA
At MCZMA, Environment & Climate
Change Department, 15th floor,
New Administrative Building,
Mantralaya, Mumbai-400 032.

Sub: Reply to Your Letter proposing directions under Section 5 of the Environment (Protection) Act, 1986 read with CRZ Notification, 2019.

Sir,

We acknowledge receipt of your letter dated 08.04.2024 detailing directives and emphasizing compliance with orders from the Hon'ble National Green Tribunal, Principal Bench, New Delhi. We wish to inform you of the measures and actions undertaken by the Office of the Salt Commissioner to address the issue of Construction and Demolition (C&D) waste disposal and to pressurize the Salt Manufacturers, M/s Hormoz Salt Works, who contribute directly or indirectly to this waste disposal.

Efforts have been made to implement the directives of the Hon'ble NGT, as evidenced by our Action Taken Report (ATR) submitted for your reference. Despite our persistent efforts, the Salt Manufacturers had partially removed C&D waste before the monsoon last year, resulting in an FIR (C.R. No. 144) being lodged against them on 04.08.2023.

After the monsoon, we pursued the Salt Manufacturers for the removal of C&D waste from the sites. Various instructions, letters, and warnings were issued. Recently, our Assistant Salt Commissioner, accompanied by myself, visited the site on 16.05.2024 and instructed to make all efforts to completely remove C&D waste from the site before the onset of the monsoon.

Immediate eviction of the Salt Manufacturers from the Salt Works is restricted by the Hon'ble **High Court injunction dated 04.07.2003**. Proceedings under PPA 1971 are

underway, and DPIIT has been requested to appoint an estate officer at the earliest. Once appointed, eviction will proceed in accordance with the law.

Regrettably, despite numerous attempts to communicate and solicit support from the Municipal Corporation of Greater Mumbai (MCGM) and other relevant authorities, little assistance has been received. This lack of cooperation has posed significant challenges to our efforts to fully resolve the issue in a timely and effective manner.

It's crucial to clarify that the Salt Department has never granted permission, either explicitly or implicitly, to the Salt Manufacturers to dump C&D waste in the Salt Works. On the contrary, we have diligently followed NGT directives, as demonstrated by our timely actions and adherence to due process. Responsibility for this issue lies jointly with stakeholders, including the Municipal Corporation Greater Mumbai and the Ministry of Environment.

We reaffirm our commitment to upholding environmental standards and cooperating with relevant authorities. We categorically deny any allegations of non-compliance regarding C&D waste removal. We are dedicated to fulfilling our responsibilities diligently and effectively, and we stand ready to assist in resolving this issue comprehensively.

To further this objective, we recommend the formation of a multidisciplinary team comprising representatives from various pertinent departments. This team should undertake a visit to the affected site to conduct a thorough assessment, facilitating the determination of the necessity of further actions.

Regarding the management and disposal of C&D waste, it is clearly stipulated in the Construction & Demolition Waste Management Rules, 2016, as well as reinforced by the Supreme Court Judgment vide Special Leave Petition (SLP) 2018, that the responsibility for proper waste management lies with the waste generators, the Municipal Corporation of Greater Mumbai (MCGM), and the Salt Manufacturers.

Given these failures, it is imperative that these entities be held accountable for their neglect and inaction. It is crucial to ensure that they comply with established waste management protocols and fulfil their responsibilities to mitigate the adverse impacts associated with improper C&D waste disposal.

Yours faithfully

(Ranjeet Kumar)
Superintendent of Salt
Mumbai

Copy- submitted to o/c

1) S.C.(J)
2) S.O.S. BND.
3) D.S. Wadala

Annexure-R4-I

ITEM NO.10 COURT NO.7 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) No.D23708/2017

(Arising out of impugned final judgment and order dated 26-02-2016 in CA No. 221/2013 29-02-2016 in CA No. 221/2013 04-05-2017 in RP No. 3720/2017 passed by the High Court Of Judicature At Bombay)

MAHARASHTRA CHAMBER OF HOUSING INDUSTRY Petitioner(s)

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.73411/2017-CONDONATION OF DELAY IN FILING and IA No.73415/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.73414/2017-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 15-03-2018 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Kunal Vajani, Adv.
Ms. Padhma Lakshmi Iyengar, Adv.
Mr. Nikhil Rohtgi, Adv.
Ms. Priyakshi Bhatnagar, Adv.
Mr. Shashank Khurana, Adv.
Mr. Pranaya Goyal, AOR

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. J.J. Xavier, Adv.
Mr. Ashish Wad, Adv.
Mrs. Jayashree Wad, Adv.
Ms. Sukriti Jaggi, Adv.
For M/S. J S Wad And Co, AOR

Mr. C.U. Singh, Sr. Adv.
Mr. Rishabh Parikh, Adv.
Mr. E. C. Agrawala, AOR
Mr. Arnav Behari, Adv.

Validity unknown
Digitally signed by SANJAY KUMAR
Date: 2018.03.26 16:16:07 IST
Reason:

UPON hearing the counsel the Court made the following

O R D E R

These petitions have been preferred by the petitioner for seeking permission to carry on the construction which has been prohibited by the impugned judgment and order/s passed by the High Court.

We make it clear that this order is not intended to set aside or modify the aforesaid impugned judgment. We have considered the matter only in order to explore the possibility of safe method of permitting certain constructions in the city of Mumbai for a limited period to pave the way for further orders that may be passed.

Prima facie, we are satisfied that a total prohibition, though selective, has serious ramifications on housing sector which is of great significance in a city like Mumbai. It also has a serious impact on the financial loans which have been obtained by the developers and builders. Such a ban makes serious inroads into the rights of citizens under Article 19, 21 and 300A of the Constitution of India. Though it might be equally true that the activities and the neglect in disposing of the debris invades the rights of other citizens under Article 21 etc. That issue is left open for a proper determination.

We have heard the matter on several occasions and we are of the considered view that the following order should govern the construction activities in the city of Mumbai :

Primarily, the ban has been imposed by the Bombay High Court because of alarming impact of the inability of Respondent No.1 -

Municipal Corporation of Greater Mumbai (for short, the 'Municipal Corporation') to deal with and safely dispose of the solid waste and construction debris that is generated by the activities of construction of buildings.

It was however argued before us that this construction debris can be safely disposed of at designated sites, whoever they belong to, provided the same are available for receiving and storing this debris. This, no doubt, assumes that construction activity will go on and that itself has deleterious effect on the population because of the waste particles which are dispersed in the air.

We therefore direct that any construction that is permitted hereafter for the purpose of this order shall be only after adequate safeguards are employed by the builders for preventing dispersal of particles through the air. This shall be incorporated in the IOD, unless it is already so incorporated.

According to the Municipal Corporation, ten sites have been located and inspected along with the representative/s of the Monitoring Committee. The land owners have given the consent or 'No Objection Certificate' (NOC) for bringing such debris onto specified locations which require to be filled with earth. In another words, these sites require land filling which will be done by this debris.

The Municipal Corporation shall permit a builder or developer to carry on construction on their sites by imposing the conditions in the IOD or any such permission, that the construction debris generated from this particular site, shall be transported and deposited in specific site inspected and approved by the Municipal

Corporation.

The Municipal Corporation shall specify such a site meant for deposit of construction debris in the building permission or IOD. It shall also ensure compliance by regular inspection of both, the construction site and the landfill site. Any breach will entail the cancellation of the building permission or IOD and the work will be liable to be stopped immediately.

The landfill site shall be governed by the Construction and Demolition Waste Management Rules, 2016, which came into force with effect from 29.3.2016. In particular, the landfill sites shall be the "Sanitary landfill sites" as defined in the Solid Waste Management Rules, 2016. The Municipal Corporation shall ensure that the criteria "for development of facilities at the sanitary land-fills" shall be applied to the landfill sites as specified in paragraph (B) of Schedule I to the Solid Waste Management Rules, 2016. These Rules will apply to the extent they are relevant and necessary in relation to the landfill sites which are permitted to be used for disposal of construction debris under this order.

The Municipal Corporation shall not permit any construction whether in respect of pre-existing IOD or fresh IOD unless it has first located a landfill site and has obtained 'No Objection Certification' or consent of the land owner that such debris may be deposited on that particular site. The Municipal Corporation shall incorporate in the IOD the condition that the construction is being permitted only if such construction debris is deposited.

In so far as the 'small generators' of Construction and Demolition ["C&D"] Waste are concerned, the C&D Waste shall be

disposed of in accordance with the 'Debris On-Call Scheme' initiated by Respondent No.1 Municipal Corporation, whereunder the agencies appointed by the Respondent No.1 Municipal Corporation shall through its authorised appointed agencies pick up and collect the C&D Waste which shall be transported to/unloaded at the designated disposal sites and used for creating infrastructure facility of dumping grounds, covering of Municipal Solid Waste and preparation of internal roads/loops within the dumping ground premises as well as in accordance with the provisions of Construction and Demolition Waste Management Rules, 2016.

In so far as the 'large generators' of C&D Waste are concerned, the C&D Waste shall be disposed of as per the Waste/Debris Management Plan submitted by the owner/developer at the time of applying for an IOD and as approved by the Solid Waste Management department of Respondent No.1 Municipal Corporation, wherein neither Deonar nor Mulund dumping sites shall be included as designated disposal sites as well as in accordance with the provisions of Construction and Demolition Waste Management Rules, 2016.

In the event for any reason whatsoever the consent given by the disposal site owner/authority is revoked and/or in the event the time limit during which the disposal site was available has expired, the relevant construction activity will be stopped after issuance of a Show Cause Notice and till such the Waste Management Plan/Debris Management Plan has been appropriately amended to provide a new disposal site for dumping of C&D Waste and is approved by Respondent No.1 Municipal Corporation.

The applicant for development permissions shall give the Bank Guarantee to the tune of Rs.5 lacs to Rs.50 lacs depending upon the size project and mode of development, which bank guarantee shall remain in force solely for the purpose of ensuing compliance of the Waste Management Plan/Debris Management Plan approved by Respondent No.1 Municipal Corporation from time to time, till the grant/issuance of the Occupation Certificate.

The Monitoring Committee shall be entitled to inspect the record of the Municipal Corporation for pertaining to the grant of IODs and shall also be entitled to visit and inspect the landfill sites. The Monitoring Committee shall be entitled to bring to the notice of the Municipal Corporation any breach in the permission or in the conditions of IOD of building permission. The Municipal Corporation shall pass a speaking order on such objections within a period of one month.

In view of the above, the Municipal Corporation shall submit a detailed report to this Court after the expiry of six months. This order shall remain in force for a period of six months from today.

It is made clear that no construction debris will be carried for disposal to the Deonar and Mulund dumping sites.

List the matter after six months along with the report of Respondent No.1 Municipal Corporation.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASST.REGISTRAR

482

Annexure R4-J

Government of India
Office of Dy. Superintendent of Salt
Wadala Salt factory

Office Of The Deputy Salt Commissioner Mumbai
30 APR 2024
No. 1895

C. No. 3(2)L&B/Wdl/2024/ 115

Date : 25-4-2024

To,

The Dy. Salt Commissioner
Mumbai

Subject:- Removal of C & D waste at Hormuz Salt works – regd.

****

Sir,

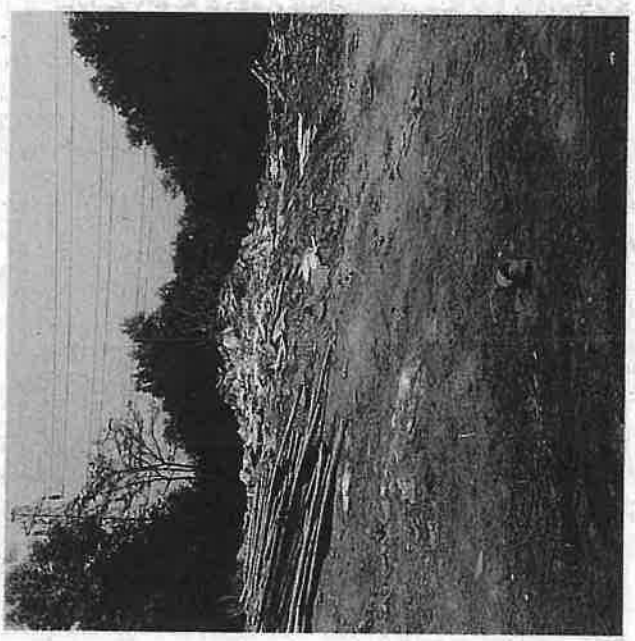
On the date 25-4-2024 I had made a visit to Hormuz Salt work. Letter Dt. 21-4-2024 received from M/s Hormuz salt work, in this letter party has informed that C & D has been removed in a proper manner, however there is significant improvement. But they still have to clean more to it, (Photos enclosed). He is still preparing outer bund with soil and few stones towards far side of Salt work.

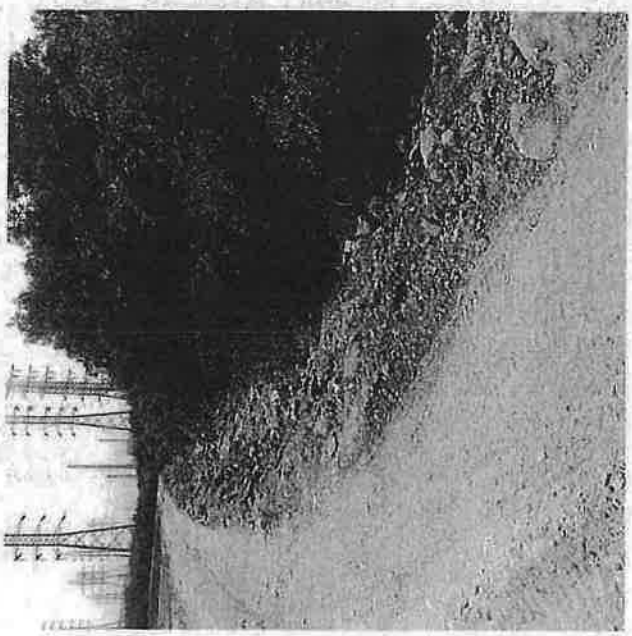
Yours faithfully

(S. K. Thakore)
Dy. Superintendent of Salt
Wadala Salt factory

Enclosure: As above

Copy submitted to the Superintendent of Salt, Bhandup for information.





Annex-J

Government of India
Office of Dy. Superintendent of Salt
Wadala Salt factory

C. No. 3(2)L&B/Wdl/2024/ 115

To,

Date : 25-4-2024

The Dy. Salt Commissioner
Mumbai

Subject:- Removal of C & D waste at Hormuz Salt works – regd.

****

Sir,

On the date 25-4-2024 I had made a visit to Hormuz Salt work. Letter Dt. 21-4-2024 received from M/s Hormuz salt work, in this letter party has informed that C & D has been removed in a proper manner, however there is significant improvement. But they still have to clean more to it, (Photos enclosed). He is still preparing outer bund with soil and few stones towards far side of Salt work.

Yours faithfully

(S. K. Thakore)
Dy. Superintendent of Salt
Wadala Salt factory

Enclosure: As above

Copy submitted to the Superintendent of Salt, Bhandup for information.

Annexure-R

Subject to Mumbai Jurisdiction

HORMOZ SALT WORKS

MFG. OF: INDUSTRIAL KITCHEN & IODIZED SALT

Shanti Nagar, Salt Pan Road, Near Madina Masjid, Wadala (E), Mumbai - 400 037

✆ Off.: 022-23513327 / 98200 86081 / 99209 97280

To,

Date -30/05/2024

Superintendent of Salt
Exchange Building
4th Floor Sir Shivsagar Marg ,
Ballard Estate,
Mumbai – 400001

उप नमक आयुक्त कार्यालय, मुंबई
Office Of The Deputy Salt Commissioner
Mumbai
03 JUN 2024
सं./No. 2439

Sub : Removal of Waste from Bunds of Hormuz Salt Works .

Dear Sir,

As per the instruction of Assistant Salt Commissioner we have employed labourers on bunds of C.S.No.145. We have collected all the Waste as pointed out by him during his visit on Bunds and it have been collected at certain point , you are thereby requested to come and survey the bund . This collected waste will the disposed of in a proper manner as mentioned in the court order. As requested earlier we once again request you to issue the completion certificate for removal of c & D waste from our Bunds.

Thanking You

Hormoz Salt Works