

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH
ORIGINAL APPLICATION NO. 69 OF 2020

Rakesh Ramesh Dhotre ...Applicant

Vs

State of Maharashtra & ors. ...Defendants

WRITTEN NOTES ON BEHALF OF R-3&4 PUNE MUNICIPAL CORPORATION-

1. This matter pertains to filing of an Application by the present applicant for illegal dumping of C&D waste by certain truck owners at S. No. 11, 12 and 15 Pune Peth Bavdhan Khurd and Kothrud S. No. 100/3, 99. The areas where the C&D waste is dumped are private properties which are in the possession of private owners.
2. PMC has already issued notices under section 53 of Maharashtra Regional Town Planning Act, 1966 directing the parties to remove the dumped material within one month. Three trucks which were dumping C&D waste have been identified by the PMC. PMC has already imposed fine of Rs. 25,000 on the concerned truck owner for illegal dumping of C&D waste.

3. The Hon'ble Tribunal has directed the respondent Pune Municipal Corporation to file an affidavit vide order dated 25/08/2021.
4. The respondent Pune Municipal Corporation has filed an affidavit dated 22/09/2021 in compliance of the above orders.
5. Thereafter, the Pune Municipal Corporation has issued a circular bearing Outward No. Add. M.C. (B) /D.K. V. K. /4737 with a view to prevent unauthorized dumping of C & D waste and to penalize the violators in accordance with the law.
6. The above-mentioned circular contains, inter alia, the following provisions-
 - a. In the event of dumping of C&D waste by construction companies/contractors or any other person, the concerned Assistant Municipal Commissioner shall ensure that a fine of Rs. 25,000/- per truck is levied for the Financial Year 2022-23. In case of lower quantity of debris dumped, Rs. 1250/- per Metric ton should be recovered from the wrongdoer.
 - b. Orders will also be issued to the concerned citizen, contractor or construction company to stop ongoing construction. The concerned construction company will be

barred from taking up Pune Municipal Corporation contracts for a period of one year if the unauthorisedly dump C&D waste in canals and rivers.

- c. All the entities generating C&D waste must transport and deposit the waste generated at the collection centers made available by the respective Ward Offices of the Pune Municipal Corporation. It shall be the responsibility of the respective Assistant Municipal Commissioner to set up a collection center at each ward office, maintain records and collect user fees for transportation and processing expenses incurred for collection of C&D waste from waste generating entities.
- d. For C&D processing from the collection center, a transportation of Rs. 22.04 Metric ton and processing fee of Rs. 204.75 per Metric ton shall be levied.
- e. For debris above 10 cubic meters, a toll free number has been provided for the collection of debris. Toll free number – 98001030222.
- f. Penalties should be levied on the entities responsible for dumping C&D waste along the river basins or other privately owned lands as per the bye-laws of 2017.

- g. If the concerned entity creates pollution even after it has been fined three times, an offence will be registered against the concerned polluting entity as per Section 52 of the Maharashtra Regional Town Planning Act, the Solid Waste Management Rules, 2016 and the Environment Protection Act.
- h. The disposal of C & D waste dumped along the river, canals and lakes shall be the responsibility of the Construction Inspector/ Junior Engineer, Dy. Engineer and the Executive Engineer, Building Permission Department, PMC for their respective areas and the Construction Inspector shall act as the beat officer for this purpose.
- i. A penalty of Rs. 200 shall be levied on persons dumping garbage in the river, nallahs and lakes as per the Pune Municipal Corporation, Public Hygiene and Health Bye-laws 2017. A penalty of Rs. 500 shall be levied for open burning of waste as per the Maharashtra Government Gazette Extraordinary No. 455 dated 19/12/2011.

A copy of the PMC Circular bearing Outward No. Add. M.C. (B) /D.K. V. K. /4737 dated 24/01/2022 along with the

true translation in English is annexed herewith and marked under 'Annexure A'.

7. From the abovementioned provisions, it is clear that the Pune Municipal Corporation is alive to the problem of unauthorized dumping of C&D waste along the river as well as in private properties and that the PMC is also taking concrete and tangible steps to curb such illegal practices and bring the violators to book by imposing heavy fines.

Pune

Date 12/02/2022


Advocate for R. 3 and 4

Annexure 'A'

True translation from Marathi to English

Office of the Addl.
Mun. Commissioner (B)
Office
Pune Mun. Corporation.

Outward No. Add.M.C.(B)/D.K.V.K/4737

Date : 24.01.2022

OFFICIAL CIRCULAR

Procedure for preventing to dump waste/debris in the river
and nala areas
(Cleaning of River, Nala-SOPs)

The Work Order of O.No. 4339 dtd. 26.11.2018 issued to the contractor M/s. S.A. Infra for transport of construction and demolition waste management Rules and processing should be implemented as follows as per the Official Circular No. O. No. MA/SWM/5921 dtd. 12.06.2019 of the resp. Municipal Commissioner's Office.

- 1) Penalty of Rs.200/- will be levied on the person by Health Inspectors and Sr. Health Inspectors within their boundary of area offices for creating and dumping garbage in the rivers, nalas, lakes and on

the steps of water fronts as per Pune Municipal Corporation, Public Hygiene and Health Bye-Laws 2017 and a penalty of Rs. 500/- will be levied for burning of waste as per notification of Maharashtra Government Gazette Extraordinary No. 455 dtd. 19.12.2011.

- 2) Programmes should be arranged with the persons/organizations creating awareness among the citizens regarding not creating and dumping of waste around river basins, nalas, lakes and waterfronts. The arrangement of the said programs should be implemented subject to the conditions in the Covid-19 regulations.
- 3) In the areas of area offices which have river basins, lakes, canals, at those places the garbage will not be thrown. In this regard, the Construction Inspector and Sr. Health Inspector and Health Inspectors should take special care that the garbage is not thrown around. Also, if any person is found committing such violation, immediate legal action

should be taken against the concerned person/ organization.

4. At present in the river basin and canal area of the city a large amount of garbage, soil, stone-brick pieces etc. are observed to have been dumped unauthorisedly. For this purpose, if the debris is thrown by the construction agencies/ contractors or any other person, the concerned Municipal Assistant Commissioner by ensuring that Rs. 250000/- per truck should be levied as penalty for the financial year 2022-23. Also, if the quantity of debris is less then. Rs. 1250/- per M.T should be recovered for whatever quantity of debris is dumped. (The rate hike for the next financial year will be made as per formula). Similarly, instructions should be issued to stop the construction of the concerned citizen, developer and concerned construction agency. Concerned contractor/ developer/ citizen should be restricted for one year to take up works of Pune Municipal Corporation if they dump the debris in the canals,

rivers unauthorisedly. If action is not done according the said instructions, the responsibility will be determined on the concerned Dy. Commissioner (Zone No. 1 to 5), concerned Municipal Assistant Commissioner, Construction Inspector (Construction Development Department) and the Sr. Health Inspection and Health Inspector of that jurisdiction.

- 5) All the persons/organizations generating C&D waste, instead of throwing anywhere else the garbage created from the construction/demolition work and the debris from the action of unauthorized construction, it should be brought and should be deposited at the collection center made available by the area office of Pune Municipal Corporation. It will be the responsibility of the concerned Municipal Assistant Commissioner to set up a collection center at each area office, keep records there and collect user fees for transportation and processing expenses for the collection from the citizens. For debris

transportation and processing during the period 2022-23 Rs. 22.04 per M.T. per kilo meter should be levied and for the process the rate of Rs. 204.75 per M.T. should be levied. To pick up the debris above 10 cubic meters, by contacting on toll free No. 98001030222 information should be given to load the debris. The action will be taken to pick up the debris generated by the development work after a demand letter with necessary amount and locking letter is sent by the concerned area office and also head department to the Solid Waste Management Department.

- 6) Penalties should be levied on those who put debris on river basins and other private places in the city as per the bye-laws of 2017. Also, if the road is blocked again even if the concerned land owners are fined three times, they should be penalized under section 52 of the MRTP Act, Solid Waste Management Rules 2016 and Environmental Act. This action should be taken by the Construction Inspector/Junior Engineer, Dy. Engineer and

Executive Engineer, Construction Development Department in the concerned area. The Development Department will be fully responsible for the disposal of debris roads, streams and lakes and the construction inspection will act as the Beat Officer.

Sd/-

(Dr. Kunal Khemnar)

Addl. Municipal Commissioner (E).

Pune Municipal Corporation

Copy to :-

1. Dy. Commissioner, Zone No. 1 to 5, Pune Municipal Corporation.
2. Municipal Assistant Commissioner, All regional offices, Pune Municipal Corporation for suitable further necessary action.


Translated True Copy



अति.महापालिका आयुक्त (इ) कार्यालय,

पुणे महानगरपालिका.

जावक क्र:- अति.म.आ(इ)/ध.क.व्य.का/४०३७

दिनांक:- २४-०९-२०२२.

कार्यालयीन परिपत्रक

नदी व नाले परिसरात कचरा/राडारोडा टाकणेस प्रतिबंध करणेकामी कार्यप्रणाली

(Cleaning of River, Nala-SOPs)

कन्स्ट्रक्शन अँड डिमॉलेशन वेस्ट मॅनेजमेंट रूल्स, राडारोडा वाहतूक आणि प्रक्रिया करणेबाबतची ठेकेदार मे.एस.ए.इंफ्रा यांना दिलेले कार्यदेश जा.क्र.४३३९, दि.२६/११/२०१८, मा.महापालिका आयुक्त कार्यालय, कार्यालयीन परिपत्रक जा.क्र.मआ/घकव्यका/५९२१, दि.१२/०६/२०१९ अन्वये पुढील प्रमाणे अंमलबजावणी करण्यात यावी.

- १) सर्व क्षेत्रीय कार्यालयातील आरोग्य निरीक्षक आणि वरिष्ठ आरोग्य निरीक्षक यांनी आपल्या क्षेत्रीय कार्यालयाच्या हद्दीतील नदी, नाले, तलाव आणि घाट परिसरात कचरा निर्माण करणा-या व टाकणा-या व्यक्तीस पुणे महानगरपालिका, सार्वजनिक स्वच्छता व आरोग्य उपविधी २०१७ अन्वये र.रू.२००/- इतका दंड व महाराष्ट्र शासन राजपत्र असाधरण क्र.४५५, दि.१९/१२/२०११ रोजीच्या अधिसूचनेनुसार कचरा जाळणा-या व्यक्ती/संस्था र.रू.५००/- असा दंड आकारला जाईल.
- २) नदीपात्र, नाले, तलाव व घाट या परिसरात कचरा निर्माण न करणे व न टाकणे यासंबंधी नागरिकांमध्ये जनजागृती करण्याकरिता क्षेत्रीय कार्यालयांमार्फत पर्यावरण क्षेत्रात (विशेषतः नदी, नाले, संबंधित) काम करणा-या व्यक्ती/सामाजिक संस्थेसोबत जनजागृतीपर कार्यक्रम आयोजित करण्यात यावेत. सदर कार्यक्रमांचे आयोजन कोव्हिड-१९ चे नियमावलीतील अटींच्या अधीन राहून राबविण्यात यावेत.
- ३) ज्या क्षेत्रीय कार्यालयांच्या परिसरात नदीपात्र, तलाव, नाले आहेत. त्या ठिकाणी राडारोडा टाकण्यात येणार नाही. याबाबत बांधकाम निरीक्षक यांनी व कचरा टाकण्यात येणार नाही. याबाबत वरिष्ठ आरोग्य निरीक्षक व आरोग्य निरीक्षक यांनी याबाबत विशेष दक्षता घ्यावी. तसेच अशाप्रकारचे उल्लंघन करताना कोणी आढळल्यास संबंधित व्यक्ती/संस्थांवर त्वरित कायदेशीर कारवाई करण्यात यावी.
- ४) सद्यस्थितीत शहरातील नदीपात्र व नाले परिसरात मोठ्या प्रमाणावर राडारोडा, माती, दगड-विटांचे तुकडे इ. अनधिकृतपणे टाकण्यात आले असल्याचे दिसून येत आहे. याकामी बांधकाम व्यावसायिक/ठेकेदार अथवा अन्य व्यक्तीमार्फत राडारोडा टाकल्यास संबंधित महापालिका सहायक आयुक्त यांनी खातरजमा करून प्रति ट्रक र.रू.२५०००/- दंड आकारणी सन २०२२-२३ या आर्थिक वर्षाकरिता करण्यात यावी तसेच राडारोडाचे प्रमाण कमी असेल तर र.रू.१२५०/- प्रति मे.टन. याप्रमाणे जेवढा राडारोडा टाकण्यात आला तेवढी रक्कम वसूल करण्यात यावी (पुढील आर्थिक वर्षाकरिता भाववाढ सुत्राप्रमाणे रक्कम प्रस्तावित करण्यात येईल) तसेच संबंधित नागरिक, विकासक व संबंधित बांधकाम व्यावसायीकाचे

बांधकाम थांबविणेबाबत सूचना देण्यात यावी. संबंधित ठेकेदार/विकासक/नागरिक यांना अनाधिकृतपणे नाले, नदी येथे राडारोडा टाकल्यास पुणे मनपाची कामे घेण्याबाबत एक वर्षाकरीता प्रतिबंध करण्यात यावा. सदर निर्देशानुसार कारवाई न झाल्यास संबंधित उप आयुक्त (परिमंडळ क्र. १ ते ५) संबंधित महापालिका सहायक आयुक्त, बांधकाम निरीक्षक (बांधकाम विकास विभाग) व त्या कार्यक्षेत्रातील वरिष्ठ आरोग्य निरीक्षक व आरोग्य निरीक्षक यांच्यावर जबाबदारी निश्चित करण्यात येईल.

- ५) C&D Waste Generate करण्या-या सर्व व्यक्ती/संस्थांनी पुणे शहरात बांधकाम/पाडकाम व अनधिकृत बांधकाम कारवाई मधून निर्माण होणारा राडारोडा इतरत्र कोठेही न टाकता संबंधित क्षेत्रीय कार्यालयाने उपलब्ध करून दिलेल्या पुणे महानगरपालिकेच्या राडारोडा संकलन केंद्रावर आणून जमा करावे. प्रत्येक क्षेत्रीयकार्यालय निहाय राडारोडा संकलन केंद्र उभारणे, तेथील नोंदी ठेवणे व नागरिकांकडून संकलन केंद्रावर राडारोडा आणून जमा केल्यास त्यासाठी वाहतूक व प्रक्रिया खर्च म्हणून युजर फि जमा करून घेणे ही जबाबदारी संबंधित महापालिका सहायक आयुक्त यांची राहिल. राडारोडा वाहतूक व प्रक्रियेसाठी सन २०२२-२३ या कालावधीत वाहतुकीसाठी र.रु.२२.०४/- प्रति मे.टन. प्रति किलो मीटर याप्रमाणे इतकी रक्कम आकारण्यात यावी व प्रक्रियेसाठी र.रु.२०४.७५/- प्रति मे.टन. या दराने प्रक्रिया शुल्क आकारण्यात यावे. १० घनमीटर पेक्षा जास्त आकारमानाचा राडारोडा उचलून घेण्यासाठी टोल फ्री क्रमाकावर १८००१०३०२२२ वर संपर्क साधून राडारोडा उचलणेबाबत माहिती कळविण्यात यावी. संबंधित क्षेत्रीय कार्यालयांकडून तसेच मुख्य खात्याकडून विकासकामातून निर्माण होणारा राडारोडा उचलून घेण्यासाठी मागणीपत्र व आवश्यक त्या रकमेचे लॉकींग पत्र जाडून घनकचरा व्यवस्थापन विभागाकडे पाठविण्यात आलेनंतर सदरचा राडारोडा उचलणेबाबतची कार्यवाही करण्यात येईल.
- ६) शहरातील नदीपात्र तसेच इतर ठिकाणी खाजगी जागांवर राडारोडा टाकणा-यांवर सन २०१७ च्या उपविधीप्रमाणे दंड आकारणी करण्यात यावा. तसेच संबंधित जागा मालकांना तीन वेळा दंड करून देखिल पुन्हा राडारोडा टाकल्यास MRTP Act कलम ५२, घनकचरा व्यवस्थापन नियम २०१६ व पर्यावरण कायद्यान्वये दंडात्मक कारवाई करून त्यांच्यावर गुन्हा नोंद करावा. सदरची कार्यवाही संबंधित कार्यक्षेत्रातील बांधकाम निरीक्षक/कनिष्ठ अभियंता, उप अभियंता व कार्यकारी अभियंता, बांधकाम विकास विभाग यांनी करावी. नदीपात्र, नाले व तलावात टाकण्यात आलेल्या राडारोडा विल्हेवाटीची संपूर्ण जबाबदारी विकास विभाग याची राहिल तसेच यासाठी बांधकाम निरीक्षक हा बीट ऑफिसर म्हणून काम पाहिल.

(डॉ.कुणाल खेमनार)

अतिरिक्त महापालिका आयुक्त (ई.)
पुणे महानगरपालिका

प्रत:-

१. उप आयुक्त, परिमंडळ क्र. १ ते ५, पुणे महानगरपालिका.
२. महापालिका सहायक आयुक्त, सर्व क्षेत्रीय कार्यालय, पुणे महानगरपालिका.
यांस पुढील योग्य त्या कार्यवाहीसाठी...