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

## APPLICATION NO.37/2013 (WZ)

Vanshakti V/s MPCB.

Orders of the Tribunal

CORAM: HON'BLE SHRI JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER

HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant/ Appellant : Mrs. Gayatri Singh Adv

**Date** 

Remarks

and

Kalyan areas.

Respondent Nos.1 & 2 : D.M. Gupte, Adv w/

Ms. Supriya Dangre, Adv.

Respondent No.6 : N.V. Chavan, Adv

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Item No.3	We have heard learned Counsel for the Applicant, Mr. D.M.
January 15, 2014	Gupte, learned Counsel for Respondent No.1 and 2, and Mr. Nikhil
Order No.3	Chavan, appearing for Respondent No.6.
	Though served, no one has appeared for Respondent Nos.3,
	4, 5 and 7.
	Mr. Gupte, on instructions of the concerned officers of the
The state of	MPCB, who are present in the Tribunal, seeks leave to file
11	additional Affidavit. We confronted to the concerned officials of
	the MPCB, the relevant material and asked pointed question
~ 4	whether samples from the outlets of the existing Units situated at
- DF 11	Dombivili, Ambernath and Badlapur, were collected and analysis
20.41	was carried out. They gave affirmative answer. It was also noted
	that verbally they informed Tribunal that almost majority of the
	Units did not meet the standards of effluents discharged. They
	informed Tribunal that an action plan will be prepared and certain

From the record, what we found is that the officials of the MPCB, have not collected samples, or at least, which have collected the same, yet have not placed on record the report of the analysis in regard to effluent discharged in 'Waldhuni' river, which is a small river connecting Ulhas river/creek. The officials of MPCB, informed us that now the said river is practically recorded as the "Nalla" and appears to be well polluted. In this view of the matter, it is apparent *ex-facie* that the small river, which existed once upon a time, is now manmade Nalla on

actions will be taken against such Units, which are found to be

Polluting Units and running industries in the Dombivili and

January 15, 2014 Order No.3 account of excessive pollution due to discharge of pollutants in the water.

It is in the wake of above circumstances, that we indicate our displeasure and proposed action to pass interim order under section 19 of the National Green Tribunal Act, 2010, as well as Section 94 (e) read with Section 151 of Code of Civil Procedure, in order to meet ends of justice. We may seriously think to give directions to relocate the industries, which are found of polluting nature or which may found causing damage to the environment.

We direct the Respondent Nos.1 and 2, to place on record additional affidavit along with all the relevant information including the reports of analysis of the samples of water collected from the outlets of the Industrial Units, which were visited during the course of the inspection, in pursuance to the earlier order. The Respondent Nos. 1 and 2, also shall place on record an action plan, which is contemplated to deal with the problem.

Issue Bailable Warrants in the sum of Rs.20,000/- each against the Municipal Commissioner of the Respondent Nos.5 and the Chief Officer of Respondent No.7, returnable on 12<sup>th</sup> February, 2014, to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19(4) (a) of the National Green Tribunal Act, 2010 read with Order XV I Rule 10(3) and Section 151 of the Code of Civil Procedure, 1908.

We also deem it proper to issue directions that the MPCB, shall approach the IIT, Powai, Mumbai and deposit required amount of fees for carrying out special study involving necessary inspection, collection of samples, analysis, survey, assessment of pollution load from various sources and preparing of action plan for the purpose of monitoring activity of the discharging of water pollutants in the river 'Ulhas' or river 'Waldhuni' by the Industries, which are situated in Ulhasnagar, Ambarnath and Kalyan. The IIT, Powai, Mumbai, also may recommend a comprehensive plan to make the above rivers pollution free by taking necessary action, in order to remove the water pollution or by re-locating the industries as may be deemed proper. The study shall be completed in two (2) months and the IIT, shall file status report before the next date of hearing. The MPCB, to immediately contact the IIT, Powai, with a copy of this Order and shall provide all the necessary assistance.

Item No.3 January 15, 2014 Order No.3 We request the Principal Secretary, Industry Department State of Maharashtra and the Principal Secretary of Environment Department to organize a joint Meeting, in order to examine the proposal for re-location of such industries, in order to prune the rivers from water pollution, not only in respect of river 'Ulhas' and 'Waldhuni' but even in respect of other rivers like 'Mithi' and 'Patal-Ganga'.

We further direct that the MIDC, be added as a party and the Applicant, shall amend the application accordingly and shall take 'Dasti' Notice. The MIDC, be served with a Notice with further directions that the quantity of effluent discharged of each industry and qualitative examination of such discharge made by polluting industries, also be verified and reported separately, particularly in relation to the nature of end product of such industries and likely effluent discharged, which may contain particular toxic pollutants.

Learned Counsel Mrs. Mahashabde, seeks indulgence to file Intervener-Application. Leave granted to file such Application in the Registry, which shall be separately registered as Misc. Application.

The Applicants are at liberty to furnish copies of this order to the State Government and other offices.

Stand over to 12th February, 2014.

(Justice V. R. Kingaonkar)	, <b>JM</b>
(Dr. Ajay A. Deshnande)	EM