

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

**APPLICATION NO.37/2013 (WZ)  
Vanshakti vs MPCB**

**CORAM: HON'BLE SHRI JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant/ Appellant : Gayatri Singh Adv a/w Mr S.R.Bhonsle Adv**  
**Respondent Nos.1,2 : Mr Rajendra Raghuwanshi a/w Rutuja Ambekar D.M. Gupte a/w Supriya Dangre Adv**  
**Respondent No.6 : MR Saket Mone i/b Mr Nikhil Chavan Adv**  
**Respondent Nos.7,9, Respondent No.8 : Dr. Sadhana Mahashabde Adv Shyamali Gadre Adv Mr Deepak Pawar i/b Little & Co.**  
**Respondent No. (Irrigation Department) : Mr.A.S. Mulchandani AGP**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No.8 January 16, 2015 Order No.13</b></p>	<p>Heard.</p> <p>We have perused the affidavit filed on behalf of MPCB, which indicates that there is partial compliance of the directions given by the Tribunal, as per order dated 24<sup>th</sup> November, 2014. In our opinion, the MPCB is required to give prior history of each of the units against which action has been taken in past, regarding defaults committed by the unit and actions taken in the past, so as to know whether such industry is in habit of committing defaults and asking for regarding consent, again on some or other grounds and MPCB has consented such defaulters only by revoking B.G. regime.</p> <p>The grievance of learned Counsel Gayatri Singh for the Applicant is that effluents of industries are carried and transported in transport vehicles like Tankers and Trucks mounted with Big containers like tankers, as per capacity of the unit. She would submit that such effluents are discharged in the river flow without any proper cross-checking or without any control of MPCB. She urges that it is necessary to stop such discharge of effluents immediately. She also contends that the industrial effluent is still discharged untreated through (ETP) and other discharge points. Let MPCB respond to this, including records related to (ETP) performance over last two (2) years.</p> <p>Learned Counsel Mr. Saket Mone, for Ulhasnagar Municipal Corporation, (Respondent No.6), states that all the necessary steps, as directed by this Tribunal, are being taken, including preparation of plan and necessary tenders are being issued, as per pre-feasibility</p>

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report. He states that he has filed the report, regarding compliances done so far.

Learned Advocate Shamli Gadre, appearing for MIDC, would submit that NIO report would take longer time and therefore, compliance will take some months, may be 2-3 months as such. She states that she will file short reply prior to the scheduled date of hearing, but compliance work is under process, as far as effluent collection system within MIDC area and also up to river/creek. No affidavit is filed by CPCB. We have noted that the Dombivali MIDC is identified as critically polluted area by CPCB. Hence, the affidavit of CPCB is necessary. Issue Notice to Member Secretary, CPCB by e-mail to file reply affidavit in two (2) weeks including status of pollution, CETP performance and action taken by CPCB, in view of Dombivali MIDC being a critically polluted area.

Learned Advocate Smt. Mahashabde, is present.

Learned AGP Mr. Mulchandani, appears for Irrigation Department, i.e. newly added party along with Executive Engineer of the Irrigation Department. We make it clear that the map is already produced and only outlet points from industrial area meeting, the rivers or creeks, are required to be pointed out by super-imposing the map on basis of map available from the Govt. record along with any other record available with the Irrigation Department. The affidavits MPCB and that of Applicant, may be collected by newly added Party i.e. the Irrigation Department by seeking certified copies or photocopies at their own cost. However, affidavit of Ulhasnagar Municipal Corporation, shall be provided along with the documents to newly added Respondent i.e. the Irrigation Department, within two (2) weeks.

In order to ensure that effluents are not discharged by the industrial units on embankment of the River in question, or in tributaries thereby, the stretches of Rivers may be covered by fixing proper CCTV Cameras network at the cost of MPCB, if such funds are not available, then by invoking the amount of Bank guarantees, which are forfeited. If such fund is not available in BG regimes, the same expenditure shall be done from the amount which is already directed to be paid to the Environment Department in APPLICATION NO.15(THC)/2014 (Mr. Naim Sharif vs. Ms. Das Offshore Engineering P Ltd & Ors), or may seek additional financial help from the Environment Department for such purpose. The RTOs and police department shall co-ordinate with each other to ensure that tankers/such vehicles carrying transporting effluents outside the industrial units shall be immediately taken possession of, and necessary action shall be taken by forfeiting them

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and seizure of the licences/ temporary cancellation of the permits, in accordance with Law. The industrial units shall, however, ensure that products are transported in the authorized vehicles of which details be provided to the RTOs and there shall be a check-post outside each industrial area, which can be inspected by the concerned Authorities at random, including NGOs and CCTV Cameras may also cover activities, which are going on inside the industrial areas for filling of the tankers. We hope that such arrangements may discourage transportation of illegal effluents outside the industrial areas for the purpose of discharge in the river and there will be proper filtration, so as to discourage activity of transportation of industrial effluents, which will allow passage of only end products of industrial units without any effluents of hazardous nature/nature which will cause pollution to the river water or which contaminated water bodies.

**S.O. to 19<sup>th</sup> February, 2015.**

....., JM  
(Justice V. R. Kingaonkar)

....., EM  
(Dr.Ajay A. Deshpande)

