

**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. : Manda Gaikwad Adv**  
**Respondent No.6 : MR Saket Mone i/b Mr Nikhil Chavan Adv**  
**Respondent Nos.7,9, : Dr. Sadhana Mahashabde Adv**  
**Respondent No.8 : Shyamali Gadre Adv a/w Mr Deepak Pawar Adv i/b Little & Co.**  
**Respondent No. (Irrigation : Mr.A.S. Mulchandani AGP**  
**Department)**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No.19</b> <b>February 19,</b> <b>2015</b> <b>Order No.14</b></p>	<p>We have heard learned Advocate for the parties.</p> <p>The affidavit of MIDC is also placed on record, additional affidavit of MPCB is also placed on record.</p> <p>CPCB was initially not added as party but this was only formal difficult because CPCB is aware about its role and has also filed affidavit in reply. Not only that but the officer of CPCB namely, Mr. Das is present. Therefore, we direct addition of CPCB as party Respondent. The affidavit filed on behalf of CPCB is taken on record.</p> <p>The Applicants have no difficulty in accepting reply affidavit filed by Ulhasnagar Municipal Corporation (UMC)- Respondent No.6, except certain objections regarding execution of programme, which is set out in the reply affidavit, notwithstanding the fact that the commitments, which have been given in the programme, the UMC also shall initiate procurement of equipments/machinery, as pointed out by the Consultants and other steps will be taken within couple of months. So, it is expected that after three (3) months' procurement of needed machinery for the alternate plan for drifting of waste water instead of diverting 'Khemani' Nullah, would be duly planned and underneath pipeline of adequate diameters will be made available, notwithstanding the fact that actual work maybe made functional after certain period.</p> <p>So far as MIDC, is concerned, we find that excessive use of water is not being properly monitored. Learned Advocate states that</p>
<p><b>Item No.19</b> <b>February 19,</b></p>	<p>the water tankers are not being allowed inside the premises of MIDC</p>

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and Notices have been issued to the units and Association of the industrial units to disallow the tankers for use of excessive water beyond capacity for which MPCB consent is granted.

Learned Advocate for MIDC, further states that water flow meters are provided to each unit, as per instructions of the concerned officer of MIDC. In case such water flow meters are so provided the use of water by each unit, shall be verified by the Regional Officer of MIDC on monthly basis, having regard to the charges of water supplied by MIDC for quantity and actual recovery from each unit per month, including the report of Chartered Accountant (CA)/Finance Officer, submitted by MIDC. Copy of such report be placed on record to the extent of extract regarding water charges accounted and paid to MIDC, credited or required to be recovered from each unit and action taken by MIDC, in this behalf for recovery or closure of the unit or reporting of the same to MPCB, with regard to use of excessive quantity of water above the quantity given in MCB consent. The water quantity consent given by MPCB, shall be taken into account while monitoring recovery of water charges, as stated above.

MPCB on receiving such information regarding arrears regarding water charges and use of excessive water use, shall take proper action, as may be permissible under the Law, at the earliest and shall inform the Tribunal result of such action.

CPCB, also may take action under Section 18 or 33(A) of the Water (Prevention and Control of Pollution) Act, 1974, in case MPCB or the industries/CETP are not complying with the directions of CPCB.

MPCB to give additional affidavit regarding nature of compliances, because affidavit filed earlier does not clarify adequacy of compliances, not unit-wise, but expression used in the affidavit. The Application to be heard finally. All the parties are directed to complete their pleadings within four (4) weeks, and exchange amongst themselves, including rejoinder, if any. We will not give any further opportunity to file pleadings or any documents, nor will any adjournment be granted for final hearing. We make it clear that whatever is placed on record, including documents will be taken into consideration for determination of issues and that final hearing will be proceeded with on the scheduled date, though matter may take some time for hearing, inasmuch as it is old one.

**S.O. to 15<sup>th</sup> April, 2015.**

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

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