

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

APPLICATION NO.1 /2013 (WZ)

Mr. Pradeep More & Ors Vs State of Mah & Ors

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

**Present: Applicant/ Appellant : Asim Sarode Adv  
: Vikas Shinde Adv  
: Neha Pathak Adv**

**Respondent No.1 : Dr. Soniya J.Ghuge**

**Respondent No.2 : R.T.Koshti Adv**

**Respondent No.3 : Shrikant N. Mycalwar**

**Respondent No.4 : Ms Supriya Dangare Adv**

**Respondent No.5 : Dr. Sadhana Mahashabde Adv**

Date and Remarks	Orders of the Tribunal
<b>Item No.1 October 22, 2013 Order No.7</b>	<p>We have heard Learned Counsel.</p> <p>Learned Counsel for the Applicants submit that the Respondent No.1 and Respondent No.3, have not filed any reply, Nor there appears any Working Plan or implementation of the Study Report. The Chief Officer of Pandharpur Nagar Parishad, is present in person. The Counsel for Pandharpur Nagar Parishad, is also present. The Chief Officer, makes a statement that the Maharashtra Pollution Control Board (MPCB), had submitted a working plan for implementation about two (2) years back i.e. on 8-9-2011, for the purpose of maintaining hygienic condition and Sewerage Treatment Plant (STP). He pointed out that in the reply affidavit (Paragraph 16 and 28) of the Written Statement, need for adequate funds has been highlighted in detail.</p> <p>Soniya Ghuge, Tahasildar Nagar Palika, attached to the office of Revenue Commissioner, Pune Division, is present on behalf of the Commissioner. She states that the report of the Collector, Solapur, has been called, in order to examine the nature of monitoring work and the steps taken to address the problems pertaining to deal with pollution of 'Chandrabhaga' river and sanitation of Pandharpur city.</p> <p>Shrikant Mycalwar, appears now for the Respondent No.3 and states that he is filing reply during course of the day.</p> <p>We are of the opinion that in absence of response from the Respondent No.1, and also any tangible material regarding availability of the Working Plan, as well as immediate steps to be taken for the purpose of making funds available, to address the problem, of pollution caused during peak period of the pilgrimage during "Kartik" and "Ashadhi" Wari's at Pandharpur, it is proper to add the Commissioner, Pune, as a party to the present Application, being Respondent No.6, for the purpose of final and efficacious adjudication of the</p>

**Item No.1**  
**October 22,**  
**2013**  
**Order No.7**

Application, in as much as, he appears to be the Authority to have general control over the affairs of the Municipality being in buffer position between the affairs of the State of Maharashtra and Municipality. So also, he has control over the Collectorate to monitor the working of the required plan. We may make it clear that already a study plan is prepared by the Maharashtra Pollution Control Board (MPCB), with the help of Escon Services Foundation. The Plan was prepared prior to about a couple of years back. We are sorry to say that the said plan is yet not being implemented and may be just gathering dust in the cupboard of the concerned department. We take a copy of the said Study Report (Management Plan) on record, which is down loaded from Internet for the purpose of understanding the requirement of steps to be taken for required infrastructure etc. The Respondent No.1 and newly added Respondent No.6, shall file response by next date, as to why required funds are not made available to implement the said plan, which was submitted by the Maharashtra Pollution Control Board (MPCB), prior to about two (2) years and as to why the plan is not made workable till the date.

We direct the Secretary of Urban Development Department, Maharashtra to depute a responsible officer, not below the rank of Deputy Secretary, personally to attend this Tribunal on next date, along with relevant files and information as to the plan drawn by the State Government, for the grant of funds to various projects in the State of Maharashtra and the priority numbers thereof. If no one will appear by next date to give proper response, we will be constrained to take coercive steps against the Authority concerned, to ensure the presence along with appropriate information and the file, through proper channel.

A copy of this order shall be communicated by the MPCB, as well as Soniya Ghuge, Shankar Gore and Shrikant Mycalwar, to the Secretary of Urban Development by sending e-mail/letters separately through the proper channel along with copy of this order.

Issue notice to newly added Respondent No.6- Commissioner, Pune.

We have further heard Learned Counsel for the parties and also considered the affidavit of the MPCB, submitted today in compliance of our earlier orders. We have been informed that the meeting between the National Environmental Engineering Research Institute (NEERI) and the MPCB, as well as the authorised agent of the Sugar Factory, is scheduled on 23<sup>rd</sup> October, 2013 i.e. tomorrow for the further action to be taken. It appears from the record that unless the Sugar Factory is in operation, NEERI will not be able to take samples of effluents in order to examine performance of ETP. The affidavit filed by the MPCB, undertakes that the provisional permission may be granted to the Respondent No.5 (Sugar Factory) for the present. It is stated that existing ETP, which comprises of biological system, generally takes minimum period of 45 days to get stabilized. This statement made in the affidavit, in our opinion, is nothing but eyewash and is totally unfounded. More particularly in view of the observations recorded in the visit report dated 21.10.2013, that the

**Item No.1  
October 22,  
2013  
Order No.7**

biological culture is developed by industry. In any case as per statute, the industry is required to operate the ETP, continuously and effectively at all times and, therefore, the ETP is required to be stabilised before intake of effluent for treatment. Based on the submissions made and also, availability of biological culture, we are of the considered opinion that it will suffice if period of 15 days, will be given to get appropriate representative biological output for analysis of the samples. Under the circumstances, we deem it proper to direct the MPCB to grant provisional consent to operate, (if other parameters are satisfied by the Respondent No.5,) subject to condition that NEERI's report is satisfactory, initially for a period of three (3) weeks, from the date of commencement of crushing season of the Sugar Factory, which is said to be likely to commence from 1<sup>st</sup> November, or at the most after 'Diwali' festival. Thus, the provisional consent to operate may be granted w.e.f. 6<sup>th</sup> November, 2013, onwards for a period of three (3) weeks, initially, and in the meanwhile the NEERI, may collect the samples in a period of first two (2) weeks and analyse the same. The report prepared by the NEERI, shall be submitted to the MPCB within a week thereafter, the MPCB, shall give a copy of this report to the Applicants. In case, the MPCB is satisfied with the adequacy and efficacy of the pollution control systems, as detailed in the NEERI report, then it will be the discretion of the MPCB to continue the consent to operate. A compliance report shall be filed by the MPCB, along with NEERI report before the next date of hearing. The costs of analysis by the NEERI, shall be borne by the Respondent No.5, and shall be deposited with the NEERI, by tomorrow, as may be discussed during the course of meeting, without fail, or else, no further action for grant of consent may be taken as valid under this order.

It may be stated that Learned Counsel for the Applicants has pointed out that certain newspaper reports have published news regarding a programme, which was held at the place of the Sugar Factory and, therefore, he argued that the Respondent No.5, is very sure about grant of consent by the MPCB. We do not think it proper to make any comment on this submission, because the programme was only in respect of lighting of the boiler and not the commencement of the crushing of sugarcane.

**Stand over to 2<sup>nd</sup> December, 2013.**

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

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