

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

**MISC. APPLICATION NO.18 /2015 (WZ)
MISC. APPLICATION NO.22/2015 (WZ) in
APPLICATION NO.118 OF 2014**

CORAM :

**HON'BLE SHRI JUSTICE V.R. KINGAONKAR
(JUDICIAL MEMBER)**

**HON'BLE DR. AJAY A.DESHPANDE
(EXPERT MEMBER)**

IN THE MATTER OF:

DHARAM RAJ,

Indian Age: 27, having address ad
305, Biryra House, Perin Nariman Street,
Bzargate, Fort, Mumbai-400001

APPLICANT

VERSUS

- 1. The STATE OF MAHARASHTRA,**
Through the Department of Environment
15th Floor, New Administrative Building,
Madam Cama Road,
Mantralaya, Mumbai-400032.

2. MAHARASHTRA POLLUTION CONTROL BOARD,
Kalpataru Point, 3rd and 4th Floor, Opp. Cine
Planet, Sion Circle, Mumbai, Maharashtra-400022.

**3. REGIONAL OFFICE, KALYAN OF
MAHARASHTRA POLLUTION CONTROL BOARD,**
Siddhivinayak Sankul, 3rd and 4th Floor,
Near Oak Baug, Kalyan (West), Thane421301.

4. THE MUNICIPAL COMMISSOINER
Bhivandi-Nijampur City Municipal Corporation
Old Zakat Naka, Bhiwandi, Maharashtra-421302.

.....**RESPONDENTS**

Counsel for Appellant(s):

Mr. Virendra Ichalkaranjkar Advocate for Applicant.

Counsel for Respondent(s):

Mr. Saurabh Kulkarni Advocate for Respondent Nos.2,3.

**Mr. R.S. Apte Senior Advocate a/w Mr. N.R. Bubna Advocate
for Respondent No.4.**

Date : March 9th, 2015

P.C.

1. This Application is being disposed of in view of certain developments, which occurred after filing of the present Application.

2. By filing the Application, the Applicant sought following reliefs:

- A. The Respondent No.4 be directed to immediately shut down the Idgah slaughterhouse.
- B. The Respondent Nos,1, 2 and 3 be directed to initiate immediate legal action against Respondent No.4.
- C. As the violation of law is continuing willfully and voluntarily, a heavy cost may be levied on Respondent No.4.
- D. The Hon'ble Tribunal may direct the Respondent Nos. 1 and 2 to initiate inquiry as to why no strict and immediate action was taken by the officers of Respondent Nos.2 and 3 as the illegal slaughterhouse continued to operate for more than 7 months and may pass appropriate orders as it deems fit.

3. There is no dispute of the fact that that Bhivandi-Nijampur City Municipal Corporation (BNCMC), runs an abattoir at the site near Idgah Maindan. Undisputedly, there is no proper Effluent Treatment Plant (ETP), and proper arrangement for treatment of effluents discharged after slaughtering of animals at that place. The population of Bhivandi-Nijampur has grown up in the recent past. With the result the slaughtering business has also grown up during last thirty (30) years. BNCMC, attempts to incinerate some of part of the animals remains, which are found after slaughtering at the place. A part of place is said to be levelled after

dumping and disinfected. However, the slaughterhouse is not in order as per norms of Pollution Control Board, is undeniable and undisputable fact.

4. According to the Applicant, unscientific slaughtering at the site causes environmental hazard, adverse impact on environment, health hazard and spreads foul smell in the entire vicinity around the slaughterhouse. He requested Concerned officials of the BNCMC to deal with the problem and install proper, modernized mechanized slaughterhouse, but the complaints remained unheeded. Hence, he filed the present Application.

5. Initial response of BNCMC was somewhat negative.

6. We may, however, note that the Commissioner of BNCMC Mr. Jeevan Sonwane, appears to have taken personal interest in the matter. He has filed affidavit along with affidavit of Mr. Latif Gaiban. Their affidavits go to show that bid of Mr. Latif Gaiban, is practically at the stage of approval, because his bid is lowest and is likely to be selected on DBOT basis. He is ready to furnish Bank Guarantee, as per the tender conditions.

He has shown readiness to start the work within one

month. He undertakes to complete the work of ETP within six (6) months and entire work of mechanized slaughterhouse within period of one year. In case, he will be unable to execute the work, his Bank Guarantee, would be forfeited by the Corporation and work may be assigned to another Agency at his cost and he would be held responsible to pay escalation cost to another Agency.

7. The affidavit of Mr. Jeevan Sonwane, Municipal Commissioner, BNCCMC, reveals affirmative action, which ordinarily appears to be absent in case of other Govt. Officials. He has taken personal responsibility to get the work executed without any hindrance. He has also undertaken personal responsibility to face the consequences, if work is not completed within given timeframe. Thus, he is confident of getting the work done, which shows that probably this work will not now be mere paper assurance, but the ball will start rolling. His affidavit further shows that he has given tabular information regarding timeframe in which work will be carried out. The tendering process is practically over. We direct that as far as possible the work shall be carried out in accordance with in timeframe mentioned in the

affidavit of the Municipal Commissioner and no further occasion for issuing directions should be given to us and the work shall be monitored by MPCB on monthly basis of which report be submitted to this Tribunal. With these directions, the Application along with Misc. Applications are disposed of with no costs.

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

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

Date: March 9th, 2015.

NGT



NGT