

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

APPLICATION NO.18 /2013 (WZ)

Mr.Amol Pawar & Ors Vs The Commissioner, Latur Mun. Corpn.& 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
Kulkarni Adv**

Respondent No.1 : S.B. Pande Adv

Respondent No.3 : Ms Supriya Dangare Adv

Date and Remarks	Orders of the Tribunal
Item No.4 February 3, 2014 Order No.4	<p>We have heard learned Counsel for the Applicants. Learned Counsel for the Respondent Nos. 1 and Respondent No.3. Respondent No.2, has not engaged Advocate, or Counsel to represent itself. Today District Project Officer, is present for Respondent No.2.</p> <p>The Learned Counsel for Respondent No.1 states that he will file additional affidavit of the Respondent No.1, along with certain documents during course of the day. He has however, pointed out that tenders for construction of 'pucca' walls around the landfill site are published and under process. He further states that the work is already allotted for lifting of garbage from landfill site. He states that there is compliance to much extent as regards removal of the garbage from wells, and low lying areas which were used for dumping of litter, garbage etc. He also states that there was a joint visit as per the directions of this Tribunal and assured to submit the report of such joint visit concerned.</p> <p>The additional affidavit of Respondent No.1, shall be placed on record during course of the day as stated by him. We are, however, not much satisfied with the progress made in the work. Perusal of the record shows that MSW processing equipments were lying unused for years together and an inquiry is necessarily required to be made as to why the same were not being used for disposal of the MSW. We are of the opinion that such inquiry is likely to be of significance, in order to avoid such future misfeasance in the affairs of the Municipal Administration. By no stretch of imagination, however, this observance be not taken as conclusive to brand that any misfeasance has been done by the Latur Municipal Administration, but we desire to make it clear that this is a serious matter in which in-depth inquiry is necessary, in as much as the consequences may entail either some dereliction in the administration or non-performance due to some other considerations. We request the Commissioner of Pune, to depute the Collector of Solapur, to conduct such independent inquiry and do the needful if necessary by filing FIR in the Police Station against the persons responsible for the lapses if there is</p>

Item No.4
February
2014
Order No.2

3,

any kind of criminal breach of trust or financial loss caused to the Municipal Administration found as a result of such inquiry.

We make such a request, which may *prima facie* appear to be outside the scope of the present litigation, but in our opinion, it is related to the environmental issue in as much as admittedly Latur Municipal Corporation did not follow the directions of the Hon'ble High Court, which were given in WP No.1740 of 1998 on 2.4.2013 and that the earlier record indicates that the MSW generated by was of 140 MT, per day yet the electricity bills would show that there was no consumption of electricity for utilisation of the electrical equipments for processing MSW and now, it is shown that the MSW collection is around 100 MT. per day. The reduction of MSW from 140 MT to 100 MT gives room to entertain certain reasonable doubt as to why earlier quantity is so much so reduced. We do not want to make any further comment on this issue in as much as it may affect merits of the inquiry.

Perusal of the affidavit of the MPCB, also shows that the earlier directions are not complied with in the letter and spirit. The details of authorization given to the Respondent No.1, are not clear and we do not know whether the Municipal Solid Waste (MSW) disposal was being done without authorisation during the past i.e. from 2010 to 2014.

The MPCB shall clarify its stand by filing further affidavit in this behalf. The MPCB, also shall clarify whether the MSW disposal as claimed in the additional affidavit of the Respondent No.1, is being done at present. The MPCB also shall clarify whether Garbage/MSW/Litter has been removed from the dried wells situated in the agricultural lands as is being claimed by the Respondent No.1, and also from the alleged areas of the city. The MPCB shall also place on record water, groundwater, effluent and ambient air quality reports, collected in last three (3) years along with a detailed location of map, for identification of pollution levels.

The Respondent No.1, seeks time to complete the construction work of protective walls. Extension of four (4) months is granted and the work shall be expedited without seeking any further time.

In view of the fact that the capacity of the MSW disposal site is stated to be less than the generated MSW, the Respondent No.1, shall examine the alternative sites, which are shown by the Applicant and shall clarify whether it is possible to shift the site of MSW disposal to any alternative site, including sites, which are shown by the Applicant and if so, necessary approval of the MPCB, or consent of the MPCB, in this behalf may be sought before finalization of the process to deal with additional disposal or enhancement of capacity or shifting of dumping site, as the case may be.

The Respondent No.4, seeks time to file reply affidavit. Assistant Director is present in person. He states that presently the Airport is practically *defuncts* and rarely is being used for aviation purpose. He may file reply affidavit within period of three (3) weeks of which copies may be given to other Respondents and the Applicants.

**Item No.4
February
2014
Order No.2**

3,

We direct the MPCB, to also take appropriate action, in order to close down those Industries, whether from MIDC or any other part which are discharging effluents in the 'Nullah' from where polluted water is being allegedly percolated in the wells in which there is contaminated water found and it is alleged that such effluents are generated and discharged from the Industries from the MIDC area and also, outside the MIDC areas. The Interim order regarding availability of protection to the officers of the Municipal Corporation shall continue.

Stand over to 14th March, 2014.

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

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

