

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

Application No.65/2015 (WZ)

Nagri Hakka Sangharsha Samiti & Anr. Vrs. Mira Bhayander M.C. & Ors.

**CORAM: HON'BLE MR JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant/ Appellant : Mr.Samir Dighe, Adv.
Respondent No.1 : Mr. N.R. Bubna, Adv.
Respondent No.3 & 4 : Mrs. Supriya Dangare, Adv.**

Date and Remarks	Orders of the Tribunal
Item No.1 20th October, 2015, Order No.5	<p>Heard. Perused.</p> <p>In pursuance to the orders passed by the Hon'ble High Court in P.I.L. No.182/2009 alongwith other PILs and PL No. 36/2007 and other Writ Petition (PIL) No.231/2009, the State Government directed that Mira-Bhayandar Municipal Corporation shall suspend the resolution dated 14-12-2010 for shifting of existing MSW operations from village Pali, Uttan to village Varsove. Mira-Bhayandar Municipal Corporation was planning to shift the existing MSW operations Plant from villagePali, Uttan to village Sakwar. However, as a result of the stay, the dumping about 500 Tons/day of MSW at Pali, Uttan site continued.</p> <p>Learned counsel appearing on behalf of the Applicants submits that the growing menace of MSW dumping with every passing day requires to be countered urgently. According to him, not only the MSW dumping adds to filth but it gives rise to continuous fire, which endangers life around and causes air pollution.</p> <p>We find from the record that order of this Tribunal dated July 21, 2015 directs Mira Bhayandar Municipal Corporation to deposit an amount of Rs.70 crores (Rs. Seventy crores) with Divisional Commissioner, Kokan Division for the purpose of providing stop gap arrangement viz. installation of a small and scientific incinerator or other appropriate MSW Management or improvement of the existing MSW plant to grapple with the situation created by dumping of MSW</p>

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and to gradually diminish the collected MSW. The learned counsel appearing on behalf of Mira Bhayandar Municipal Corporation has brought to our notice the order dated 26th August 2015 passed by the Hon'ble High Court in Writ Petition No.8445 of 2015 in Mira Bhaindar Municipal Corporation Vrs. Nagri Hakka Sangharsha Samiti & Ors. We find from the perusal of the order that the Hon'ble High Court has ordered an ad-interim stay to the directions requiring the Mira Bhayandar Municipal Corporation to deposit an amount of Rs.70/- crores with the Division Commissioner, Kokan Division. It appears that the Hon'ble High Court passed stay order in the background of the fact that the Committee was appointed pursuant to the order dated 13th August 2015 of this Tribunal in Application No.65/2015 to look into the issues in relation to MSW facilities to be provided by Mira- Bhayandar Municipal Corporation. The learned Counsel appearing on behalf of Mira-Bhayandar Municipal Corporation submits that they have not received any notice or communication from the said Committee for attending any meeting. We can therefore, conclude there-from that such meeting has not been conveyed yet.

Learned counsel appearing on behalf of Mira-Bhayandar Municipal Corporation further submits that they are seeking technical guidance from IIT, Powai and NEERI Mumbai for such stop gap arrangement and would comply by the advice that will be given to them in that regard. He further submits that the MPCB is also an expert body which can assess the existing situation and render an advice to the Mira-Bhayandar Municipal Corporation about the steps required to be taken as a stop gap arrangement for handling the Municipal Solid Waste dumped at Pali, Uttan.

Our attention is invited to the minutes of the meeting called by Divisional Commissioner, Kokan Division on 14-8-2015 of the various

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stake holders namely MPCB, District Collector of Thane, Municipal Commissioner of Mira-Bhayandar Municipal Corporation, Regional Officer, MPCB and Director of NEERI. Minutes reveal that every day about 500 MT of MSW is generated within the limits of Mira BHayandar Municipal Corporation and the MPCB had given authorisation to Pali, Uttan to run MSW treatment plant till 30th September 2017 and the treatment plant had remained closed since October 2013 and presently it is completely dismantled, and MSW is being dumped in unscientific manner. In this context, the Minutes reveal, the Member Secretary, MPCB, suggested to Mira Bhayandar Municipal Corporation in the said meeting that the Corporation would call for the proposals for stop gap arrangement to handle MSW from different institutions and such proposals would be vetted by NEERI for choosing the best of such proposal. However, the minutes also record that it is essential for the Mira Bhayandar Municipal Corporation to deposit the directed amount of Rs.70/- Crores for getting the technical expertise from NEERI Mumbai and IIT Powai and the work of the Committee would start only after such amount is deposited. Thus, what we gather from these minutes is the need for technical proposals for stop gap arrangement to handle MSW and its execution being dependent on the amount which the Municipal Corporation was directed to deposit.

Learned counsel appearing on behalf of Mira Bhayandar Municipal Corporation submits that they have taken steps to call for such proposal from IIT and the site was inspected on 30th September 2015. He invites our attention to the letter dated 29th September 2015 addressed by the Corporation to Nagri Hakka Samiti, Uttan-the Applicant and writing annexed thereto. According to him, this is the record of the inspection of the site conducted on 30th September

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2015. We are not satisfied with what is revealed before us by the Mira Bhayandar Municipal Corporation. We can see that there is imminent threat of the mountain heap of MSW at Pali, Uttan to the environment.

We, therefore, direct that the Committee of Principal Scientific Officer, Joint Director (Water Pollution), Regional Officer (Head Office), MPCB to visit the MSW dumping site in question at Pali, Uttan, inspect the site and make recommendations for handling the MSW in scientific manner and as a stop gap arrangement pending the present controversy. The Committee shall carry out such inspection within three (3) days. Service of notice of the visit is waived by Mira Bhayandar Municipal Corporation and the Applicant who shall remain in contract with the MPCB.

Learned counsel appearing on behalf of Mira Bhayandar Municipal Corporation clarifies on instruction from Mr. Sambhaji Panpatte, Dy. Commissioner that Professor Mr. Anil Dixit, IIT, Powai was present at the site on 30th September 2015 and the report of IIT is awaited. Issue notice to the Professor Mr. Anil Dixit, IIT Powai to remain present before this Tribunal on the next date. His expenses shall be borne by the Mira Bhayandar Municipal Corporation.

S.O. to 27th October, 2015.

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(Justice U.D. Salvi)

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(Dr.Ajay A. Deshpande)

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