

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

APPLICATION NO.9(THC) /2013 (WZ)

**Bhauasaheb s/o. Bhimaji Kulat & Anr. Vs The State of Mah. & Ors.**

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

**Present: Applicant : Vinod Ambad Adv**  
**Respondent No.3 : B.S.Behare, Dy Commer**  
**Respondent No.6 : D.M. Gupte Adv  
Mrs Supriya Dangare Adv**

Date and Remarks	Orders of the Tribunal
<b>Item No.2 March 18, 2014 Order No75</b>	<p>We have heard Counsel for the parties.</p> <p>Perusal of affidavit filed by Mr. Bhalchandra Behare, Deputy Municipal Commissioner, Ahmednagar Municipal Corporation (AMC), shows that though joint meeting was held on 17<sup>th</sup> February, 2014, as per earlier order of this Tribunal, and the work plan is prepared after deliberation by MPCB officers and the officers of the Corporation, yet approval to the Project is yet to be cleared. We find that the Municipal Corporation has clubbed the present project with some other projects and therefore, due to Code of Conduct, without clearance from the Election Commission (EC), it may not be possible to get approval to the present MSW disposal project. In our opinion, MSW disposal project is required to be executed urgently, due to exigencies inasmuch as, the landfill sites are being exceedingly overburdened, filled up excessively, foul smell is emanated and spread over in the area and the problem is likely to be aggravated due to passage of time. In fact, this is not a development activity, as such, for benefit of any particular section of society, but is an activity to take care of health and life of members of the society. Therefore, <i>prima facie</i> an execution of such project should not be detained for longer time.</p> <p>The Deputy Commissioner of Municipal Corporation, Mr Bhalchandra Behare, is present in person and undertakes to segregate the proposal from other proposals and to send the same immediately i.e. by tomorrow itself for clearance to the competent EC by authentic Courier by DHL/Blue Dart, simultaneously along with sending of the same by Speed Post. He also states that a copy of this order will be forwarded along with proposal, so as to clarify the position and bring about urgency for clearance to the notice of EC. We make it clear that MSW disposal proposal shall not be tagged with any other proposal, be forwarded to EC and we have not expressed any opinion, regarding some other proposals. In case, such proposal is approved by EC, the Municipal Corporation, shall file additional affidavit along with tabular information, as to time frame, date wise for completion of the project in all</p>

**Item No.2**

**March 18, 2014  
Order No.7**

respects, including installation of equipments, completing the landfill site work, so on and so forth.

**Stand over to 4<sup>th</sup> April, 2014.**

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

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

