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week.

Learned Counsel appearing on behalf of the Applicant makes a grievance about water tankers ferrying extra water to the industrial units situated in Dombivali phase-I, MIDC estate. He submits with reference to para-25 of the Judgment dated 2.7.2015, that the MIDC has categorically made an averment vide affidavit dated 19.2.2015 that MIDC will be ensuring non use of Bore-well/Water Tankers in order to ensure that industrial units do not consume water more than quantity specified by MPCB concerned and hydraulic load of CETP is maintained. He submits that time and again the Applicant had made complaints to the Police as well as to MIDC about water tankers moving to and fro to the said industrial estate and no action appears to have been taken by MIDC. We had directed CPCB to ensure enforcement of action plan submitted by MPCB. The parties to apprise the Tribunal about regulation of this aspect of faithful running of industrial units, in accordance with consents granted to them and how it is dealt with. However, before us we do not find any representation from MIDC, who has vital role to play in the execution of directions/orders passed by this Tribunal.

The direction No.5 in the Judgment dated 2.7.2015 required MDC to commission Effluent Disposal Systems in twenty four (24) months and to submit Bank Guarantee of Rs.50Crores to MPCB to ensure compliance. We have before us the affidavit dated 7th September, 2016, of Respondent No.1-MPCB but sadly. MIDC has not filed any affidavit regarding compliance of directions, which they were obliged to comply with. We get to know about their compliance status from the affidavit dated 7th September, 2016 of Respondent No.1-MPCB. What we find therefrom is that MIDC pursued the issue of commissioning Effluent Disposal Systems with National Institute of Oceanography (NIO) for finalising disposal point of CETPs in Kalyan region and NIO had made some recommendations, but MIDC expressed its inability to provide disposal line necessary for commissioning of Effluent Disposal Systems due to economic non-viability and technical constrains. These issues of economic non-viability and technical constrains were not raised before us in the course of hearing of Original Application No.37/2013. Now, it is not open for MIDC to go behind the orders passed and raise such issues in execution proceeding. MIDC is expected to comply with directions unless the same are set aside by the Appellate Forum.

Perusal of record does not reveal that Notice of this Execution Proceeding has been served on MIDC. Hence, issue Notice to MIDC-

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Respondent No.7 by Registered Post A.D and 'Dasti' as well. MIDC shall show-cause as to why coercive measures as contemplated under Order-XXI Rule 32 of the Civil Procedure Code, 1908, be not initiated for non-compliance of the directions passed by this Tribunal.

The affidavit dated 7th September, 2016, also speaks about compliance-status of other limb of material directions passed in respect of commissioning of STPs by Kalyan Dombivali Municipal Corporation, Ulhas-Nagar Municipal Corporation, Kolgaon-Badlapur Municipal Council and Ambarnath Municipal Council. These local bodies are expected to provide required STPs capacity in phase-wise manner within twenty four (24) months of passing of the said directions and for that purpose to submit a comprehensive action plan along with provisions of funds necessary therefor. It appears nothing has significantly moved in achieving compliance of the said directions. The Chief Secretary, Govt. of Maharashtra is expected to ensure compliance of these directions passed in relation to commissioning of STPs of the said bodies. We, therefore, issue Notice to the Chief Secretary, Govt. of Maharashtra by registered post A.D. and 'Dasti' as well. We direct the Chief Secretary, Govt. of Maharashtra to place before us compliance status by next date.

List this case on 1st October, 2016.

....., JM
(MR JUSTICE U.D. Salvi)

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