

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

(By Video Conferencing)

Original Application No. 66/2022(WZ)  
I.A. No. 100/2022(WZ)

Shriraj Madhusoodan Pillai

.....Applicant(s)

Versus

Chief Officer of Ambernath Municipal Corporation & Ors.

....Respondent(s)

Date of hearing: 11.10.2022

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant(s) : Mr. Akshay Shah, Advocate  
Respondent : Mr. Balkrishna Joshi, Advocate for R-1  
Ms. Manasi Joshi, Advocate for R-3  
Mr. Aniruddha Kulkarni, Advocate for R-5

**ORDER**

1. From the side of Applicant- Mr. Akshay Shah, Learned Counsel has appeared.
2. From the side of Respondent No. 1/Ambarnath Municipal Council- Mr. Balkrishna Joshi, Learned Counsel has appeared; from the side of Respondent No. 3/Maharashtra Pollution Control Board (MPCB) - Ms. Manasi Joshi, Learned Counsel has appeared; and from the side of Respondent No. 5/Central Pollution Control Board (CPCB)- Mr. Aniruddha Kulkarni, Learned Counsel has appeared.
3. In compliance with the previous order of this Tribunal dated 08.09.2022, the Respondent No. 3/Maharashtra Pollution Control Board (MPCB) has submitted additional affidavit providing there-in the calculation of the environmental compensation to the tune of Rs. 29

lakhs for the period from 01.04.2020 till 30.09.2022 for non-compliance of the Solid Waste Management Rules, 2016 and a sum of Rs. 17 lakhs for Legacy Waste Management since 01.04.2021 to 30.09.2022.

4. The Learned Counsel for the Respondent No. 1/Ambarnath Municipal Council states that he has already made the payment of Rs. 17 lakhs towards the legacy waste management but is disputing the calculation of Rs. 29 lakhs for the violation of Solid Waste Management Rules, 2016 because according to him the violation should be treated to have been made since August, 2021 and not 1<sup>st</sup> April, 2021. He seeks time to file written objection against the said affidavit for which he is allowed a week's time.

5. From the side of Respondent No. 1/Ambarnath Municipal Council, an additional affidavit dated 10.10.2022 has been filed where-in scale map as well as Google map showing the present dumping site has been annexed along-with the residential buildings within the area of dumping site i.e. Survey No. 132 of Chikhholi. Again it is reiterated by the Respondent No. 1 that there is no area available for carving out buffer zone as contemplated under the MSW Rule, 2016.

6. Further, it is submitted that initially there was only 20 mtrs. between the dumping area and residential buildings but now the distance has been raised to 80 mtrs. and in short future, the same would be enhanced to around 100 to 120 mtrs. from the residential area. But beyond that, there is no possibility to raise the distance from the residential buildings, since there is also a Goanthan area existing at the other side of the plot, who are opposing the dumping site right from the beginning since the year 2002.

7. Since, the Learned Counsel for the Applicant's main prayer relates to the creation of buffer zone in accordance with the MSW Rules, 2016 of

500 mtrs. from the residential buildings, we had instructed him on the previous date to file a sketch map of the local place where he could show as to whether such a buffer zone was possible to be carved out or not. He states orally that he has moved an application before the Respondent No. 1 for obtaining few maps/documents but the same have not been supplied because of which he could not file his affidavit in respect of as to whether buffer zone of 500 mtrs. is possible to be created or not at the site. He seeks time to file objection against the affidavit of Learned Counsel for the Respondent No. 1 for which he is allowed a week's time.

8. The Learned Counsel for the Respondent No. 3/MPCB states that a statement has been made by the Respondent No. 1 that a sum of Rs. 17 lakhs has been deposited, but where the same has been deposited, has not been clarified because it was required to be deposited with Central Pollution Control Board (CPCB), therefore, we direct the Learned Counsel for the Respondent No. 1 to give proof of its deposit by the next date positively.

9. Whatever affidavits are to be brought on record by the parties, an advance copy of the same shall be provided to the Learned Counsels for the other Respondents.

Put up this matter on 22.11.2022.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

October 11, 2022  
Original Application No. 66/2022(WZ)  
I.A. No. 100/2022(WZ)  
P.Kr