

Item No.3

(Pune Bench)

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

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

ORIGINAL APPLICATION NO.87 OF 2023 (WZ)

Vanashakti & Another

.... Applicants

Versus

Municipal Corporation of Greater Mumbai
& Others

....Respondents

Date of Hearing : 03.07.2023

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

Applicants

: Mr. Mohammad Mehdi Abdi, Advocate

ORDER

1. The main grievance raised in this application by the applicants is with respect to dumping of debris at the bank of Mithi river near Tapeshwar Mandir, Aarey forest, which is prohibited as per the Management of Construction and Demolition Waste Rules, 2016. As a proof that the debris is being dumped there, the learned counsel for the applicants has annexed photographs at pages 34 to 39 of the paper-book. He has drawn our attention to page No. 53 of the paper-book, which is an e-mail sent to the respondent authorities apprising them of the illegal dumping of debris being done at the bank of Mithi river, but to no avail. The learned counsel for the applicants has disclosed that he does not know as to who is the person/agency which is throwing the debris at the site in question.

2. In view of above allegation made by the applicants, we deem it appropriate to constitute a Joint Committee comprising of one member each of Municipal Corporation of Greater Mumbai (MCGM), Maharashtra Pollution Control Board (MPCB) and the Collector, Mumbai Suburban.

The MPCB shall be the nodal agency of the said Committee. The Joint Committee shall visit the site in question for fact finding in respect of following Terms of Reference:

- (i) Assess environmental damage in the terms of water pollution, damage to ecology, impact on health of nearby residents, change in hydrology, etc. Quantify damage wherever possible. If quantification is not possible then assess damage as severe/high/significant/insignificant.
- (ii) Assess environmental damage compensation.
- (iii) Recommend remediation measures alongwith timeframe, budget and responsibility.

3. The Committee shall issue notice to the applicants before making visit to the site in question.

4. The report of the Joint Committee shall be submitted before us by the MPCB within two weeks from the date of receipt of this order, by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. A copy of this order shall be served upon all the members of the Joint Committee by the MPCB for compliance as above.

6. We would pass order with respect to admission of this application only after receipt of the Joint Committee.

7. Put up this matter for further consideration on 20.07.2023.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

July 03, 2023
O.A. NO.87/2023 (WZ)