

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 988/2018

Dr. Balkrishna A. Shelar

Applicant(s)

Versus

State of Maharashtra

Respondent(s)

Date of hearing: 05.04.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s): Mr. Mukesh Verma, Advocate for MPCB

ORDER

1. Issue for consideration is remedial action against pollution of River Panchganga in District Kolhapur, Maharashtra.
2. Vide order dated 03.01.2019, this Tribunal sought a report in the matter from the Maharashtra State Pollution Control Board (MSPCB) and the District Magistrate, Kolhapur. We have perused the report furnished vide e-mail dated 04.02.2019 from MSPCB to the effect that Kolhapur Municipal Corporation has been informed about the illegal constructions in red zone area of Panchganga River.
3. The report does not show performance of duties by the MSPCB. Order of this Tribunal was passed more than three months ago and the MSPCB was expected to exercise its statutory authority for pollution of the river under the provisions of the Water (Prevention

and Control of Pollution) Act, 1974 by taking action against the polluters. The action required was preventive as well as remedial. Provisions for the prosecution and recovery of compensation for damage to the environment could have been invoked. It is also surprising that Kolhapur Municipal Corporation has failed to demarcate the red zone area, in coordination with the Irrigation Department. For this failure, Kolhapur Municipal Corporation needs to be proceeded against apart from direction that remedial steps be now taken.

4. In view of the above, we direct the Additional Chief Secretary, Urban Development, Maharashtra to oversee remedial action and ensure that the polluting activities are dis-continued and polluters are made accountable to law by way of prosecution and payment of compensation for the damage to the environment. A copy of this order be sent to the Additional Chief Secretary, Urban Development, Maharashtra by e-mail. Learned Counsel for the MSPCB present in the Court may also convey this order to the Additional Chief Secretary, Urban Development, Maharashtra.
5. The Commissioner, Kolhapur Municipal Corporation may remain present in person with the compliance report on the next date.

List for further consideration on 16.07.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 05, 2019
Original Application No. 988/2018
DV

