

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

(THROUGH VIDEO CONFERENCING)

Original Application No.563/2022

Vrinda Basu

Applicant

Versus

State of Maharashtra

Respondent

Date of hearing: 01.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Vilas Jadhav, Advocate for MPCB

ORDER

1. Grievance in this Application is against failure to take remedial action against pollution of River Panchganga at Ichalkaranji in District Kolhapur, Maharashtra. The applicant has relied upon media report in 'Times of India' dated March 03, 2022 titled 'Ichalkarnji stops lifting water from Panchganga'. The report mentions that contamination of the river has resulted in death of the fish which are floating in water. Foul smell has spread along the river side as the dead fish have not been removed. Sewage from the city and 39 river side villages, apart from pollutants from sugar factory and chemical mixed drainage water, is directly flowing into Panchganga, resulting in dropping of oxygen level in the river water.

2. Vide order dated 30.08.2022, the Tribunal sought a factual and action taken report from a joint Committee of CPCB, State PCB and

District Magistrate, Kolhapur. The report was to include factual position about quantity of sewage being discharged into river Panchganga directly or through other modes by rural and urban areas, status of discharge of trade effluents and compliance by the industries with CTO conditions, current status of treatment and utilization/disposal of sewage in Kolhapur in compliance with earlier order of the Tribunal on the subject dated 25.02.2021 in OA No. 988/2018, *Dr. Balkrishna A. Shelar v. State of Maharashtra* and the water quality of the river at relevant locations.

3. In response to the above, report of the joint Committee has been filed. It refers to fish kill incident in January and February, 2022 which is said to be attributable to Shri Chhatrapati Rajaram Sahakari Sakhar Karkhana Ltd. and M/s Kolhapur Sugar Mills Kasaba Bawada Kolhapur. Probable sources of pollution include discharge of sewage, surface runoff from land discharge of irrigation and discharge from sugar/distillery industries. The factual position about sewage generation and treatment and discharge of untreated water is summed up as follows:-

Sr. No	Entity responsible for Pollution	Sewage Generation (MLD)	Sewage Treatment (MLD)	Untreated Sewage discharged river (MLD)	Additional STPs under construction /planned/proposed
1	Kolhapur Municipal Corporation (KMC)	110	93 (84.5%)	17 (15.5%)	4 + 6 =10 (under construction)
2	Ichalkaranji Municipal Corporation (IMC)	40	20 (50 %)	20 (50 %)	18 (under construction)
3	Zilla Parishad, Kolhapur (171 Villages)	35	0	35 (100%)	--
4	Municipal Councils	5.5	0	5.5 (100%)	--

		190.5	113 (59%)	77.5 (41%)	
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4. It is further stated that there is no treatment facility for councils and villages. Septic tanks are provided to house owners which results in partial treatment but overflow is discharged on land or in natural drains meeting the river. With reference to direction of this Tribunal vide order dated 25.02.2021 in OA No. 988/2018, *Dr. Balkrishna A. Shelar v. State of Maharashtra*, it is stated that the direction is yet to be complied. The report further gives status of compliance by M/S Kagal Hatklangale Fice Star CETP (10 MLD), DIST-Kolhapur, M/s Ichalkaranji Textile Development Cluster Ltd. (01 MLD) at Shri Laxmi Co-Operative Industrial Estate, Hatkanangale, Dist – Kolhapur and M/S Ichalkaranji Textile CETP LTD. (12MLD) Ichalkaranji. Further status has been mentioned about M/s Ichalkaranji Powerloom Mega Culture (IPMC), Co-op Industrial Estate and not member of CETP (1 MLD). Action taken by the State PCB is summed up as follows:-

Sr. no.	Local Bodies/CETP/ Industries	Court Cases/ Prosecutions	Bank Guarantee Forfeited (in lakhs)	Prosecution Notice	Closure Directions	Directions	Proposed Directions	Interim Directions	Show Cause Notice for Closure	Show Cause Notice
1	Kolhapur Municipal Corporation	03	--	02	02	02	04	-	-	16
2	Ichalkaranji Municipal Corporation	01	--	-	-	01	06	01	-	10
3	Zilla Parishad/ Gram Panchayat	-	--	-	-	-	-	-	-	03
4	Sugar Factories and Distilleries	03	119.9	-	07	02	04	02	05	20
5	Ichalkaranji Textile C.E.T.P Ltd. (12MLD) Ichalkaranji	-	2.0	-	-	01	03	02	01	04
	Member Industries	-	12.25	-	37	-	59	44	32	62
6	Kagal-Hatkanangale Five Star CETP, Kagal, Kolhapur	-	-	01	-	-	02	01	01	01
	Member Industries	-	30.0	-	-	06	08	06	06	14
7	Ichalkaranji Textile Development Cluster Ltd.(1MLD) Hatkanangale	-	2.0	-	02	-	01	01	01	02
	Member Industries	-	1.75	-	11	-	-	--	04	03
TOTAL		07	163.97	03	59	12	87	57	50	135

5. Conclusions and recommendations are as follows:-

“12.0 CONCUSSIONS

12.1 The incidents of Fish Kill occurred in the month of January 2022 on 19.01.2022 and again in the month of February 2022 on 22.02.2022 in the river Panchganga at Kasaba bawada, Kolhapur.

12.1.1 The officials of the MPCB, and the Committee constituted by the MPCB (for monitoring of Panchganga river pollution prevention and control) under the Chairmanship of District Collector including representative of KMC, Jilha Parishad Kolhapur, MIDC, Municipal Council Ichalkanaji, MPCB officials etc visited the fish kill location and area along the nearby river stretch. It was observed that in the upstream of fish kill location, there was accidental discharge of treated effluent from air valve fitted on pipeline carrying treated effluent from Sugar industry-M/s Shri Chhatrapati Rajaram Sahakari Sakhar Karkhana Ltd. Kasaba Bawada, Kolhapur to agriculture farms for the discharge on land for irrigation. Also, there was discharges of treated (from STP-76 MLD and 17 MLD) and untreated sewage through various natural drains/nallahas in the up-stream of the fish kill location. MPCB issued Show Cause Notice (SCN) on 19.01.2022 under Section- 33 A of the Water (P & CP) Act, 1974 to Kolhapur Municipal Corporation and aforesaid sugar industry regarding the fish kill incident occurred due to pollution.

12.1.2 After second fish kill incident, MPCB officials visited various locations including fish kill location along the River Panchganga on 22.02.2022 to 01.03.2022 and it was observed on 01.03.2022 that there was again discharge of effluent due to leakage of air valve fitted on pipeline carrying treated effluent from aforesaid Sugar industry from 19.02.2022 and it was also observed on 01.03.2022 that effluent was observed entering into the river Panchnganga (Near Ulape Farm) through underground pipeline and there was improper operation of ETP.

Based on the visit report including analysis results, MPCB issued Closure directions on 03.03.2022 under Section- 33 A of the Water (P & CP) Act, 1974 to aforesaid sugar industry and directed concern authorities to disconnect water and electricity supply of the said industry. Based on aforesaid closure direction, the industry stopped its manufacturing activity on 04.03.2022 as well as concerned authority disconnected electricity on 15.03.2022. Further MPCB revoked closure direction based on the improvement/compliance of closure direction.

12.1.3 This Committee visited the aforesaid sugar industry on 20.10.2022 and observed that the industry was not in operation due to non-crushing season and carried out improvement in compliance to closure direction issued by the MPCB such as air valve/pipeline improvement, ETP improvement, stopping of leakages.

12.1.4 Fisheries Department are giving permission for fish farming by inviting tenders in stretches of river Panchganga. However, impact assessment of fishing farming on water quality is not carried out before giving permission, and also there is need

to properly regulate/monitored these activities in respect of water quality, feeding to fishes, fish catching process etc. MPCB received various complaints regarding unscientific fish catching procedure carried out by the contractor/fisherman in the area who got tenders for fish farming. In such cases, fish kill due to un-scientific/banned process for fish catching also cannot be ruled out. Therefore, there is need to study commercial Fish Farming in River Panchganga through reputed institute like CIFRI by Fisheries Department in respect of seeding, farming, catching, water quality, size/depth of river, flow in river etc and come out with SOP by Fishery Department.

12.2 Status of Sewage Generation, Treatment and Disposal:

12.2.1 Total 190.5 MLD sewage is generated from local bodies, out of which 113 MLD (59 %) is treated in STPs at Kolhapur (93 MLD) & Ichalkaranji (20 MLD) and 77.5 MLD (41 %) not treated i.e. Kolhapur (17 MLD), Ichalkaranji (20 MLD), Councils (5.5 MLD) and Villages (35 MLD). There is no treatment facility i.e. STPs provided for the Councils and villages and inadequate in terms of collection and treatment of sewage at Kolhapur and Ichalkaranji. Septic tanks/Soak pits are provided by individual house owners/ societies which treats sewage partially. However, Overflow from Septic tanks/Soak pits are discharged either on land which percolates in land or in natural drains/Nallahs which ultimately meets with river Panchganga.

12.2.2 The treated sewage and untreated sewage from both the corporations are being discharged in to natural drains/Nallahs which meets with river Panchganga across the stretch at different locations. Treated sewage is to be used for the irrigation purpose as per CTO issued by MPCB, however, due to non-availability of land, non-requirement of water for irrigation during the monsoon, availability of fresh water in river Panchganga throughout the year with measures of irrigation department like construction of Kolhapur Type Bandhara, the treated sewage is not used to the extent for irrigation purpose. In season, other than monsoon, treated sewage might be used by few/some farmers.

12.2.3 It is observed from the analysis results of sampling carried out at STPs, the concentration of BOD, COD, SS and Nitrogen as (Nitrate) at the Outlet of STP at Ichalkaranji are not meeting with the discharge standards and also the STP operational without CTO. The concentration of monitored parameters at the outlet of both the STPs in Kolhapur are meeting with the discharge standards.

12.2.4 Natural drains/Nallah sampling were also carried out during the committee visit. It is observed from the analysis results that drain water is contaminated and these drains carrying treated & untreated sewage/ treated effluent from CETP (12 MLD-Ichalkaranji and 01 MLD Laxmi Industrial Estate)/ effluent from few industries, as per location specific observations mentioned earlier. The discharges are not permitted as per Consents issued by MPCB.

12.2.5 As a short-term measure, the traditional Phyto-remediation by way of plantation of Taro plants is required to be provided at various natural drains/nallas with disinfection by mixing the bleaching powder or chlorine gas at various Bandharas provided at natural drains/nallas. However, Phyto remediation is not provided by KMC as well as IMC. These corporations have

provided arrangement for dosing of bleaching powder /chlorine gas for disinfection at some locations.

12.3 Compliance of Order Dtd 25/02/2021 In O.A. 988/2018 (Dr. Balkrishna A. Shelar V/S State Of Maharashtra),

12.3.1 The directions vide order dated 25/02/2021 of Hon'ble NGT KMC are partly complied with the orders. The work of interception and diversion of remaining 6 Nallahs is yet to be completed by Kolhapur Municipal Corporation. The construction of additional two STPs (4 MLD and 6 MLD) still not completed and KMC has not submitted any plan for the treatment of remaining 7 MLD and completion of sewerage network.

12.3.2 In compliance with aforesaid order dated 25.02.2021, MPCB submitted a status report incorporating compliance of various activities towards sewage collection and treatment by KMC to Secretary, Environment Department, Govt of Maharashtra which is further submitted to Ministry of Jalshakti, New Delhi.

12.3.3 Executive Engineer, Kolhapur irrigation Division (North), Kolhapur informed that department completed the work of demarcation of blue and red line in portion of Kolhapur City area as well as from PrayagChikali to Rukdi of Panchganga River for the total length 31.34 kms and all maps about the same are published on 03.06.2022 at [site-www.wrd.maharashtra.gov.in](http://www.wrd.maharashtra.gov.in).

12.4 Status of discharge of trade effluent and compliance by the industries with CTO conditions.

12.4.1 Major industrial estates in the catchment area of River Panchaganga which are developed by MIDC viz Gokul Shirgan MIDC, Siroli MIDC and Kagal- Hatkanangale 5-Star Industrial Estate whereas there are other cooperative industrial estates viz small cooperative Industrial estates in Ichalkaranji and Laxmi Cooperative Industrial estate at Tal. Hatkanangale. The industries which are generating effluent i.e. textiles industries are located in Kagal-Hatkanangale 5-Star Industrial Estate, Ichalkaranji City and Shri Laxmi Industrial Estate.

12.4.2 CETPs are provided in aforesaid Industrial estate/areas viz Kagal-Hatkanangale 5-Star Industrial Estate (10 MLD), Ichalkaranji City (12 MLD) and Shri Laxmi Industrial Estate (01 MLD) for the treatment of primary treated effluent from these individual textile industries. CETPs are provided for the treatment of primary treated effluent from member industries (textile industries) which are located in above industrial areas/ estates. These CETPs are having primary, secondary and tertiary treatment. As per consents (CTO) issued to these CETPs, treated effluent is to be discharge on land for irrigation/for High Rate Transpiration System (HRTS-concept developed by NEERI, Nagpur) with plantation of Nilgiri, Bamboo etc.

12.4.3 Committee visited these three CETPs and sampling at Inlet and Outlet of CETPs carried out during the visit as the industries discharge their primary treated effluent to CETP and CETP (after treatment) discharge treated effluent on land for the irrigation purpose/for HRTS as specified in the respective CTOs of CETPs.

A. As per the analysis results, in case of CETP (10 MLD) at Five Star MIDC Kagal-Hatkanangale, the concentration of all

the monitored parameters at the outlet of CETP and treated effluent being discharged on land for HRTS are within the discharge standards. There is accumulation of treated effluent in the HRTS and overflow into the adjacent natural drain /nallah called Vit Bhatti Nala, Talandage due to rains before the visit. The analysis results of sample collected from the aforesaid natural drain shows COD-40 mg/l and slight brown/yellowish which shows contamination.

In view of improper/inadequate HRTS, MPCB issued consent to member industries for 50 % recycle of their effluent in their respective industry and discharge the remaining 50 % effluent to CETP as well as directed CETP to operate with 5 MLD capacity. As HRTS is used since 10 and there may be saturation of HRTS including improper percolation of applied treated effluent, the HRTS system needs to be improved/revamped including its design considering of local soil and permeability and/or make available alternative land for discharge of treated effluent with new additional HRTS.

B. As per the analysis results, in case of CETP (1 MLD) Laxmi Co-op Ind Estate Tal-Hatkanangale, the concentration of all the monitored parameters of the sample collected from Outlet of CETP are within the discharge standards except for chloride. However, the concentration of BOD, COD and Chloride in the sample of effluent being discharged on agricultural land exceed the discharge standards. Effluent which was being discharged was from Treated Effluent Storage Pond which shows that CETP previously stored effluent without adequate treatment and the same was being discharged without ensuring to meet discharge standards, this reveals negligence and improper operation.

C. As per the analysis results, in case of CETP (12 MLD) Ichalkaranji, the concentration of all the monitored parameters are within the discharge standards. During the visit, the treated effluent was being discharged into adjacent natural drain called Kala Odha though as per CTO condition, the treated effluent to dispose on land for irrigation purpose only. It is informed that the farmers were not taking treated water for their land due to rainy season. Due to inadequate land availability for discharge of treated effluent, MPCB restricted the operational capacity up to 9 MLD. The present arrangement available for the use of treated effluent is also not adequate for present effluent discharge, and not workable in rainy season (monsoon).

12.4.4 CETPs (1 MLD and 12 MLD) have proposed to upgrade existing CETP and accordingly acquired the land. These CETPs have also submitted the proposals (with time target) of up-gradation with tertiary treatment like Reverse Osmosis (RO) with Multiple Effect Evaporator (MEE) with accessories as tertiary treatment for achieving Zero Liquid Discharge (ZLD) and treated effluent shall be used in the process of member industries by providing pipeline network. CETP (12 MLD) also submitted Consent to Establish (CTE) application submitted for said expansion with time bound schedule of ZLD of capacity of 15MLD.

12.4.5 M/s Ichalkaranji Powerloom Mega Culture (IPMC)-Textile industry is located in Laxmi Co-op Industrial Estate and not a member of CETP (1 MLD). The drain passing nearby the industry, outside the industry premises, was noticed with coloured water. The aforesaid industry was visited by the committee on 21.11.2022. It was observed that the industry was operational without obtaining CTO,

provided ETP which broadly consist of primary, secondary and tertiary treatment (RO System). RO System (Proposed capacity) and MEE were not installed as per submission of the industry and CTE condition. MPCB issued CTE with condition of 100 % recycle of treated effluent ETP was operational and outlet sample meets with discharge standards. There was no discharge of effluent observed outside the premises during the visit. Sample collected from the aforesaid drain shows BOD-42 mg/l, COD-160 mg/l. The industry might have earlier discharged effluent in the aforesaid drain as additional RO and MEE for ZLD condition was not installed. Industry needs to obtain CTO for the operation of the industry. MPCB needs to take appropriate action for the above non-compliances.

12.4.5 Industries Not Located in Industrial Areas & Their Discharge of Trade Effluent–

Mostly sugar and distillery industries (08) which are scattered in Kolhapur Districts in the catchment area the River Panchganga. MPCB issued consents to Distillery industries with ZLD condition and to Sugar Industries with condition to discharge of treated effluent for irrigation use/agriculture use on their or land/premises or farmers land with bilateral agreements. These industries were not in operation due to non-crushing seasons, therefore not visited by committee. However, there are regular visits of MPCB.

12.5 Existing water quality of River Panchganga at relevant locations.

12.5.1 MPCB carry out monitoring of the River Panchganga once in every month under the National Water Monitoring Program (NWMP). The monitoring is carried out at four different locations along the stretch of River Panchganga.

12.5.2 It is observed from the results of MPCB sampling (January-2022 to September - 2022 along with results of monitoring carried out during the committee visit (20.10.2022)) that the Water Quality Meets the Criteria (CPCB) for Best Designated Use i.e. Outdoor Bathing (Organized) (Class of water-B) and Drinking water source after conventional treatment and disinfection (Class of water- C).

12.5.3 As per the report “River Stretches for Restoration Of Water Quality” of September, 2018 published by CPCB, the stretch “Shirol To Kolhapur” of the River Panchnagna, Kolhapur was in the list of Polluted River Stretches. The **above PRS was categorized as Priority-V** (BOD-3-6mg/l) as BOD observed in the range of 3.2-5.8 mg/L (for the river monitoring carried out in 2016 & 2017 under NWQMN/NWMP). Further, as per the report “Polluted River Stretches for Restoration of Water Quality- 2022” published by CPCB, the stretch “Shirol to Kolhapur” of the River Panchnagna, Kolhapur was removed from the list of polluted river stretches based on observed improvement in the water quality as per monitored data during 2019 & 2021.

12.6 ACTION TAKEN BY MPCB

12.6.1 MPCB has taken various actions against the polluters in the catchment of river Panchganga viz Forfeiture of Bank Guarantee, Prosecution Notice, Closure Directions, Proposed Directions, Interim Directions, Show Cause Notice for Closure, Show Cause Notice as

detailed in **Table-11, para 11.0** above from time to time under the Water (Prevention & Control of Pollution Act), 1974 and the Air (Prevention & Control of Pollution Act), 1981.

12.6.2 MPCB has filed seven prosecutions cases (3- KMC, 1-IMC and 3-Sugar industries) (as detailed in **Table.12, para 11.1 above** before the Chief Judicial Magistrate (CJM) and Court of Judicial Magistrate of First Class in respect of pollution of river Panchganga at Kolhapur.

12.7 Applications before Hon'ble NGT in Respect of Pollution in Panchganga River

04 Applications including present matter OA NO. 563 of 2022 are filed in Hon'ble NGT in respect of Pollution in Panchganga River as detailed in **Table-13.**

12.8 PIL No. 183/2012 pending before Hon'ble High Court of Judicature at Bombay, Civil Appellate Jurisdiction –PIL related to pollution of river Panchganga

12.8.1 The matter of pollution in river Panchganga is already pending before the Hon'ble High Court of Judicature at Bombay, Civil Appellate Jurisdiction through PIL No. 183/2012 (Shri Dattatray Hari Mane & Ors. V/s State of Maharashtra & Ors.). The Committee constituted, by Hon'ble High Court under the Chairmanship of Divisional Commissioner, Pune to monitor the implementation of recommendations of the NEERI & implementations of interim directions of the Hon'ble Court, submitting the quarterly reports as regards the implementation of the orders of the Court as well as recommendations of the NEERI which has filed its report on 20.12.2024, as per to Hon'ble High Court dated 06.12.2013.

The committee consist of Commissioners of the Kolhapur Municipal Corporation, Ichalkaranji Municipal Corporations, Collector Kolhapur; CEO Zilha Parishad, Kolhapur, officer of MPCB representative of NEERI, an expert in the field appointed by the Divisional Commissioner after consulting the Petitioners and the fourth and fifth Respondents; other person nominated by the Divisional Commissioner.

12.8.2 The aforesaid NEERI report includes recommendations which deal with flow into river Panchganga, functioning of wastewater treatment systems, industrial wastewater management practices, weeds and sanitation issues and introduction of Environment Management systems (EMS) through Public Process for protection of river Panchganga and Health of population.

12.8.2 Also as per the directions of Hon'ble High Court, MPCB officials regularly carrying the routine visits and verification of local bodies, CETPs with member industries, Sugar Factories, Distilleries and other industries situated in the catchment area of river Panchganga, as well as regularly meetings of committee are being conducted under the Chairmanship of Divisional Commissioner, Pune/ District Collector, Kolhapur and accordingly regularly reports are being submitted. It is informed that 31 quarterly reports submitted to Hon'ble High Court through Divisional Commissioner, Pune.

13.0 RECOMMENDATIONS:

In view of the above observations and conclusions, the committee recommended the following-

3.1 The corporations (KMC & IMC) may be asked to expedite the works of STPs which are under constructions, remaining work of interception of natural drains and provide sewerage network to remaining area and sewage treatment to cover 100 % sewage collection and its treatment. Action plan for the coverage of remaining area for 100 % sewage collection network and treatment may be provided to MPCB.

13.2 IMC should immediately obtain CTO for 20 MLD STP which is operational without CTO since 1998. MPCB should take appropriate action against IMC including penalty/ levying and recovery of Environmental Compensation.

13.3 Environmental Compensation as per orders in the matter-Original Application No. 673/2018 related to News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB" (order dtd 06.12.2019) w.r.t. drains carrying untreated sewage, functioning of STPs etc, may be levied and recovered from Corporations (KMC, IMC) and other local bodies in the area.

13.4 CETP- M/s Ichalkaranji Textile Development Cluster Ltd. (01 MLD) -Shri Laxmi Co-Operative Industrial Estate, shall ensure to discharge the treated effluent only after meeting with discharge standards. MPCB shall take actions against non-compliance of discharge standards for the effluent which was being discharged on agriculture land during the Committee visit on 21.10.2022. The pipelines used for conveyance of effluent shall be over ground with proper demarcation for identification.

13.5 CETPs (M/s Ichalkaranji Textile Development Cluster Ltd. (1MLD) at Shri Laxmi Co-operative Industrial Estate, Ta-Hatkanangale and M/s Ichalkaranji Textile C.E.T.P Ltd. (12MLD) Ichalkaranji shall expedite their proposals towards achieving ZLD due to non-availability of adequate land for discharge of treated effluent for irrigation as per CTO condition, non-requirement of water for irrigation during the monsoon in such cases treated effluent ultimately finds its way into river Panchganga.

13.6 CETP (10 MLD)-M/s Kagal-Hatkangale Five Star CETP, MIDC, Kagal Hatkangale, shall improved/revamped HRTS including its design considering of local soil and permeability, saturation over the years and/or make available alternative land for discharge of treated effluent with new additional HRTS.

13.7 All CETPs shall submit report of study of impact on soil and ground water quality twice a year (pre-monsoon & post monsoon) as per MoEF & CC Notification dated 01.01.2016 to MPCB.

13.8 M/s Ichalkaranji Powerloom Mega Culture (IPMC), Laxmi Co-op Industrial Estate, Ta- Hatkangale shall provide full flagged RO and MEE as mentioned in CTE. MPCB may take appropriate action for non-compliances such as operation of industry without CTO and discharge of effluent into nearby drain.

13.9 Pipelines used by CETPs/Industries for the conveyance of treated effluent for disposal for land irrigation should be periodically checked in respect of leakages by the CETPs/concerned industry through certified

engineers and submit to Directorate of Industrial Safety & Health (DISH) and MPCB.

13.10 Expert institute like Central Inland Fisheries Research Institute (CIFRI) may be engaged or Committee with expert members form Fisheries Department, Environment department, Govt of Maharashtra, Irrigation Department, MPCB, CIFRI may be constituted to investigate fish kill incidents, if any, in future and find out the root cause of fish kill which are generally occurring in in particular month/area.

13.11 Investigation may be conducted in respect of fish kill also due to un-scientific/banned process for fish catching. The study may be carried out for practice/procedure of commercial Fish Farming in River Panchganga through reputed institute like CIFRI by Fisheries Department in respect of seeding, farming, catching, water quality, size/depth of river, flow in river etc. and come out with SOP by Fishery Department.

13.12 Kolhapur Type Weir (Bandhara) creates a stagnant water in the river along the stretch when there is lean flow though it is good for the other uses of water including irrigation. This affects water quality due to accumulation of pollutants/stagnation of water over a period of time particularly in summer season and may cause fish kill. Therefore, Environment flow should be maintained in the river by Irrigation Department in consultation with other concerned departments.

13.13 On-line Continues River Quality Monitoring Station may be installed at appropriate locations and data should be share with MCPCB, Fisheries Department and Irrigation Department.”

6. We have duly considered the matter for further directions to remedy the pathetic situation presented in the report. It is clear that there are large scale violations of Water (Prevention and Control of Pollution) Act, 1971 and failure of Public Trust doctrine requiring the State Authorities to prevent and remedy violations. The Local Bodies themselves have failed to prevent to discharge of untreated sewage. Action taken against erring industries for enforcing environmental norms in exercise of statutory powers of the statutory regulators is inadequate. The result is that sewage and effluents are being discharged into the drains and river depriving the citizens of clean environment and access to drinking water and also damaging the aquatic life. In no case such unsatisfactory state of affairs can be tolerated by any civilized society or by a welfare State or its Authorities. We thus expect meaningful remedial

action by involvement of higher level authorities of the State as well as by local authorities – local bodies, the District Magistrate and the State PCB.

7. The report shows that installed capacities of STPs by KMC and IMC are not fully utilized and septage is being disposed into storm water drains. Further, Zila Parishad, Kolhapur (171 villages) and other concerned Municipal Councils practically have no sewage management facilities. It is, thus, necessary that State Rural Development sets up either FSTPS or connect septage with existing STPs. It would also be appropriate that villages set up 'Ponding' systems like oxidation ponds and utilize treated water for irrigation and pisciculture. With regard to securing compliance of industrial pollution control norms, CETPs need to function properly and treated effluent reused by the industries.

8. The Tribunal has already dealt with the issue of waste management in the State wide order dated 08.09.2022 in OA No. 606/2018. Observations, findings and directions in the said order are as follows:-

“Our Observations findings and Directions

28. It is disappointing to see from the data presented by the Chief Secretary that after 24.1.2020 when the Chief Secretary, Maharashtra last appeared before the Tribunal in the present matter, there is no meaningful progress. There are huge gaps in management of solid as well as liquid waste.

29. The above data shows that legacy waste is to the extent of 3,94,19,287. Data of rural areas has not been given. It is stated that 189 sites out of 273 dump sites have been cleared but it is not clear how much quantity of waste is remediated. Area of land recovered through this process has not been mentioned. Further, more waste is being added on daily basis. Legacy waste remains source of air, water and land pollution resulting in damage to environment and public health, as noted in para 24 earlier. Since statutory timelines for remediation of legacy waste having expired, further steps have now to be taken in a mission mode and for past violations liability of the State has to be quantified on 'Polluter Pays' principle by way of monetary compensation to be utilised for restoration of damage to the environment.

30. On the issue of liquid waste/sewage, gap is to the extent of 5420.33 MLD. The said data does not cover the compliance status in rural areas. Figure of utilisaton of treated sewage shows that much work remains to be done. Unless treated sewage is usefully deployed for non potable purpose, potable water may be used for

such purposes and sewage may mix with potable water or go to storm water drains or rivers which has to be avoided. Timeline for the establishing requisite treatment systems in terms of judgment of Hon'ble Supreme Court in Paryavaran Suraksha vs. Union of India, supra has long expired. This Tribunal had also directed that for delay after 01.04.2020, coercive measures are to be taken. Till the gaps are bridged, untreated liquid waste will continue to remain source of degradation of environment and damage to public health, including deaths and diseases which the society can ill afford. Hence, the urgency of the situation for good governance for ensuring emergent measures in public interest to protect the environment, natural resources and public health as per mandate of the Constitution. We have to levy compensation for continuing violation on polluter pays principle to be utilised for restoration measures.

31. As already noted and observed in the judgement of the Hon'ble Supreme Court in Paryavaran Surakhsha, supra, quoted earlier, the matter falls in 12th Schedule to the Constitution and it is constitutional responsibility of the State and the Local Bodies to provide pollution free environment and to arrange funds. Being part of right to life, which is also basic human right and absolute liability of the State, lack of funds cannot be plea to deny such right. While there may be no objection to any central funds being availed, the State cannot avoid its responsibility or delay its discharge on that pretext.

32. It is a matter of concern that even after 48 years of enactment of Water (Prevention and Control of Pollution) Act, 1974 and expiry of timelines for taking necessary steps for solid waste management in terms of Solid Waste Management Rules, 2016 and binding direction in the judgment of the Hon'ble Supreme Court and this Tribunal in Almitra H. Patel vs. Union of India & Ors. and Paryavaran Suraksha vs. Union of India, supra, huge gaps still exist. Are there insurmountable difficulties for State authorities or lack of will and determination? We find it difficult to believe the first. In our view, it is lack of good governance and determination responsible for the situation which needs to be remedied soonest.

33. We have suggested change in approach in realizing that remedial action cannot wait for indefinite period as is being proposed by the Administration. Sources of funding are laid down in the orders of the Hon'ble Supreme Court. Responsibility of the State is to have comprehensive plan to control pollution which is its absolute liability, which is not being understood. If there is deficit in budgetary allocations, it is for the State and state alone to have suitable planning by reducing cost or augmenting resources. By way of suggestion, one may consider harnessing traditional knowledge and community involvement. People must be involved in the problem by appropriate awareness and strategies to encourage public participation and contribution. At the cost of repetition, health issues cannot be deferred to long future. Long future dates which, breach of which is established from the track record of last several decades, is not convincing solution. There is no accountability for the past breaches. It is poor substitute for compliance. This approach may project lack of concern or not realizing the grim ground situation crying for emergent remedial measures on priority. There is no time for leisure, reflected in timelines proposed for bridging the acknowledged gaps.

34. It is the mindset and determination to act in a mission mode which can produce results.

35. Segregation of the solid waste at source and its earliest processing nearest to the point of generation with defined destination is imperative. In particular, adequate composting/vermicomposting/bio-methanation centers need to be set up and upgraded nearest to the source of generation of wet solid waste, listing people's involvement. Waste generators can themselves be required to process the waste under guidance and handholding by the Administration, with the assistance of identified empaneled service providers. This may perhaps reduce planned expenditure.

36. Similarly, sewage can be required to be processed by conventional cost-effective methods at least at several identified locations with least expenses. Decentralized treatment plants can be explored, apart from imposing condition of ZLD on industries, Group Housing Societies etc. Reduced load can be processed partly with the help of water using commercial establishments requiring water for their processes enforcing consent conditions in CTEs and CTOs whereby State's financial burden can be reduced. In this context, the draft Notification of MoEF&CC dated 25.02.2022¹ etc. and the relevant part of the draft Notification in context of sewage and solid waste management is reproduced below:

“xxxxxx.....xxx

C. Management of sewage/waste water, Reuse and recycle of treated wastewater by dual plumbing system

10. Dual Plumbing System shall be implemented - one for supplying fresh water for drinking, cooking and bathing etc. and another for supply of treated water for flushing.

11. Only treated water shall be used for flushing.

12. In no case, sewage or untreated waste water generated within the project area shall be discharged through storm water drains or otherwise into water bodies nor discharged/injected into the ground water by any mode.

13. Subject to Clause (3) of this notification, the project authority may opt or avail to common off-site treatment facility, as feasible, for treatment with reuse & recycle of corresponding quantity of treated water through the dual plumbing system for flushing and other non-potable use.

A. For projects with built up area of 5,000 sq.mtrs. to 20,000 sq.mtrs. –

i. In areas where there is no municipal sewage network,

a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be

¹ https://www.compfi.com/wp-content/uploads/2022/03/01032022_EHS_02.pdf

installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;

OR

- b. In case of usage of septic tank, only black water shall be discharged in the septic tank. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

The excess treated water should conform to the general discharge norms of CPCB/MoEF&CC.

ii. In areas where there is municipal sewage network

- a. Either Onsite Sewage Treatment Systems with capacity to treat 100% waste water may be installed with appropriate tertiary treatment system with disinfection for black & grey water. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

OR

- b. The project authority may opt to discharge only black water in such municipal sewage network subject to availability of trunk sewer line. For this purpose, two separate pipeline network– one for black water discharge and other for collection of grey water shall be installed. Grey water may be treated through natural treatment systems or other secondary treatment as feasible. Such treated water should be used with dual plumbing system for flushing and other non-potable use;*

B. For projects involving built-up area of 20,000 sq. mts. or more –

14. Subject to Clause (3) of this notification, Onsite Sewage Treatment Plant with capacity to treat 100% waste water generated within the project area through tertiary treatment shall be installed. Treated waste water shall be reused on site for landscape, flushing, HVAC, fire-fighting, and other end-uses.

15. The adequacy of the Sewage Treatment Plant (STP) shall be certified by an independent expert and a report in this regard shall be submitted to the authorized agency.

16. Discharge of excess treated wastewater outside the premises, after treatment in STP, should meet the discharge standards as notified by CPCB/MoEF&CC from time to time.

17. Wastewater and treated water quantification system through metering/sub-metering shall be installed.

18. Sludge from the onsite sewage treatment shall be collected, conveyed and disposed as per the Central Public Health and Environmental Engineering Organization (CPHEEO) Manual, Ministry of Housing and Urban Affairs, on Sewerage and Sewage Treatment Systems.

19. Where Common Sewage Treatment Plant facility has been availed, it shall be ensured that treated waste water is recycled back to respective building for reuse.

D. Solid Waste Management

20. Subject to Clause (3) of this notification, onsite solid waste management facility should be developed and a formal contractual arrangement shall be ensured with authorized recyclers/concerned municipal agency for disposal of all non-biodegradable waste.

21. Subject to Clause (3) of this notification, where there is no alternate arrangement for disposal of biodegradable waste, Organic waste composter/Vermiculture pit with a minimum capacity of 1.0 kg/150 sqm. of built-up area/day shall be installed & operated.”

37. Treated water can also be used by establishments like malls, industrial estates, automobile establishments, power plants, playgrounds, railways, bus stands, local bodies, universities etc. to save potable water for drinking. The treated sewage can be utilized for industrial/agricultural/other non-drinking uses like washing railway wagons/yards, buses, roads, water sprinkling. Several such models reportedly exist².

² <https://www.newindianexpress.com/cities/chennai/2019/jul/31/chennai-industries-to-now-use-treated-sewage-water-2011837.html>
<https://timesofindia.indiatimes.com/city/surat/surat-water-reuse-model-goes-global/articleshow/85668103.cms>
<https://www.aninews.in/news/national/general-news/surat-generating-massive-revenue-by-selling-treated-water-to-industries20201217051127/>
<https://swachhindia.ndtv.com/surat-generating-massive-revenue-by-selling-treated-water-of-river-tapi-to-industries-54411/>
https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp_articleshow/87169850.cms <https://theprint.in/india/governance/nagpur-to-become-the-first-indian-city-to-treat-and-reuse-90-of-its-sewage/180493/>

38. Thus, it may be necessary to brain storm with available experts and other stake holders in the State at different levels, evolve models which can be fast replicated, initiate special campaigns with community/media involvement in the larger interest of protecting environment and public health with determination for prompt action. Such brain storming sessions may enable capacity enhancement of the regulators and the processes. Campaigns and community involvement may result in reducing the financial and administrative load on the administration.

39. Compliance of environmental norms on the subject of waste management has to be on high on priority. Tribunal has come across cases of serious neglect and continuing damage to the environment in absence of inadequate steps for treatment of solid and liquid waste.³ We are of the view that issues have been identified and

https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841_1.html

https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC_%26_KTPS_success_story_28052019.pdf

<https://cpcb.nic.in/success-stories/upload/1501156301.pdf>

http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf

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- (i) O.A. No. 142/2016(THC), Sheikh Rashid Charitable Foundation, (Malegaon) & Ors. v. UOI & Ors., order dated 05.12.2017, relating to release of amount for functioning of sewage treatment plant in Malegaon.
- (ii) O.A. No. 177/2016(THC), Kaustubha Ghokhale & Anr. v. State of Maharashtra Through Chief Secretary & Ors., order dated 23.10.2017, relating to grant of public hearing in case of grant of EC to MSW Processing Plant at Umbarde and Barave.
- (iii) O.A. No. 177/2016(THC), Kaustubha Ghokhale & Anr. v. State of Maharashtra Through Chief Secretary & Ors., order dated 23.10.2017, relating to grant of public hearing in case of grant of EC to MSW Processing Plant at Umbarde and Barave.
- (iv) O.A. No. 122/2017, Dileep Gopal Mangankar v. State of Maharashtra & Ors. order dated 31.01.2018, seeking direction the respondents to take steps in order to manage, collect, segregate, transport and disposal of the msw as per Rules.
- (v) O.A. No. 168/2017, Mr. Omkar Ajit Keni V/s The Deputy Director (Forest) Sawantwadi, & Ors., order dated 17.07.2018, relating to removal of garbage dumped around Dhamapur Lake, Sindhudurg District.
- (vi) O.A. No. 179/2017, Mr. Atul Kishor Karle & Ors. V/s The Collector, Pune & Ors., order dated 21.07.2017, seeking direction against respondent for not dumping msw and its proper disposal.
- (vii) O.A. No. 11/2018, Amir Shaikh & Ors. v. Haji Ali Dargah Trust & Ors., order dated 25.08.2022, seeking direction against respondents to immediately stop releasing excrement/untreated sewage into the sea.
- (viii) O.A. No. 40/2019, Rajkumar Kukreja & Anr. v. Ulhasnagar Municipal Corporation & Ors., order dated 23.08.2022, seeking direction against respondents to stop unauthorized dumping of municipal solid waste.
- (ix) Original Application No. 60/2019(WZ), Ganesh Dadarao Anasane v. Amravati Municipal Corporation & Anr. order dated 07.09.2022, relating to illegal dumping of solid waste at Sukali Dumping ground in Amravati, Maharashtra.
- (x) Original Application No. 14/2020(WZ), Mohan Nanasahab Kudale v. Pune Municipal Corporation & Ors., order dated 17.01.2022 relating to operation of an incinerator plant for disposal of animal carcass on land situated at Keshavnagar, Mundhwa, Pune.
- (xi) Original Application No. 29/2020(WZ), Suraj Pradip Ajmera v. Aurangabad Municipal Corporation, order dated 09.03.2022, relating to absence of scientific management of sewage problem in Aurangabad city.
- (xii) Original Application No.59/2020 (WZ), Riverdale Vista Co-operative Housing Society v. MoEF &CC & Ors., order dated 16.11.2021 relating to Common Municipal Solid Waste

monitored by the Tribunal for a long time. It is high time that the State realizes its duty to law and to citizens and adopts further monitoring at its own level.

Conclusion with expression of hope for future remedial action

40. We hope in the light of interaction with the Chief Secretary, Maharashtra that he will take further measures in the matter by innovative approach, stringent monitoring at appropriate level, including at the level of the District Magistrates (who execute the District Environment Plans) and the Chief Secretary, ensuring that the gap in solid and liquid waste generation and treatment is bridged at the earliest, shortening the proposed timelines, adopting alternative/interim measures to the extent and wherever found viable.

41. *The Chief Secretary may consider designating a Senior Nodal Officer at the rank of ACS to regularly assess the progress in bridging the gaps in sewage and solid waste management and establishing stocktaking at district level. Existing and upcoming STPs need to have linkages with industries and other bulk users including Agriculture/horticulture for using treated sewage. Legacy waste sites need to be remediated and reclaimed areas utilized for setting up of waste processing plants so to process day-to-day waste generation. More and more green belts/dense forests need to be set up to mitigate adverse impact of waste. Based on the gained experience, standardized processing and treatment methodologies be replicated for areas of other Corporations, Municipalities and Panchayats.*

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- Management Facility Site at Revenue Village Barave in contravention of Solid Waste Management Rules 2016.
- (xiii) Original Application No.62/2020 (WZ), Dagadkhan Asanghatit Kamgar Vikas Parishad Maharashtra v. State of Maharashtra & Ors., order dated 17.11.2021 relating to Illegal dumping of municipal solid waste by the Wagholi Gram Panchayat and Pune Metropolitan Region Development Authority on common land next to residential apartments and hutments of quarry workers at Wageshwarnagar in Village Wagholi, Taluka Haweli, District Pune.
- (xiv) Original Application No. 84/2020 (WZ), Dhananjay Balwant Kokate & Anr. v. Union of India & Ors., order dated 08.12.2021 relating to Setting up of a Garbage Processing Plant at Survey No. 51/10, Ambegaon Bk., Pune.
- (xv) Original Application No. 32/2021(WZ), Charan Ravindra Bhatt v. Vasai-Virar City Municipal Corporation & Anr. order dated 07.12.2021 relating to Failure of Vasai – Virar Municipal Corporation in performing its statutory obligation of providing clean environment by scientific disposal of solid and liquid waste.
- (xvi) Original Application No. 55/2021(WZ), Tousif Bagnikar v. Nix Paolymers & Ors., order dated 03.12.2021 relating to illegally dumping, untreated toxic effluent by respondent no.1 from the polyester resin plant into Maharashtra Industrial Development Corporation (MIDC Drain) which in turn flows into river Krishna.
- (xvii) Org. Application No. 75/2021(WZ), The Cliff Gardem Condominium B & C v. Gram Panchayat, Maan & Ors., order dated 10.03.2022 relating to failure of Authorities in the State of Maharashtra to follow Solid Waste Management Rules, 2016 in Village Maan, Tal. Mulshi, Dist. Pune, near housing society - Cliff Garden Condominium, MIDC infotech Park, Maan, Pune.
- (xviii) Original Application No. 33/2022(WZ), Sanjay Vishwanath Lature & Ors v. Solapur Municipal Corporation & Ors., order dated 18.07.2022 relating to land filling site- to remove the set-up of abandoned processing plant at survey nos. 73 and 74/1 of Village Kasabe Solapur, Taluka-North Solapur, District Solapur.

42. Laid down statutory norms need to be complied as per prescribed timelines and directions in the judgments of Hon'ble Supreme Court and this Tribunal, including directions in orders dated 25.4.2019, 28.2.2020 and 14.12.2020 and other orders in individual cases. In the light of observations in paras 14, 19 and 22 above, accountability be fixed for erring officers and compensation collected and utilised, as already directed.

Need for monitoring by NMCG and MoUD NMCG, SBM and Amrut schemes

43. In view of continuing huge gap in solid and liquid waste generation and treatment, it is high time that Ministry of Housing and Urban Development (MoUD) and National Mission for Clean Ganga (NMCG) who have programmes like Swachh Bharat Mission (SBM), AMRUT - 1 and 2.0 and River Cleaning, appropriately monitor compliance of waste management norms by concerned States and take remedial action on their part. MoEF&CC and CPCB may continue monitoring as per MSW Rules and the Water Act.

Determination of liability for compensation for restoration of environment

44. Apart from compliance in future, the liability of the State has to be fixed for the past violations in the light of earlier binding orders passed in pursuance of orders of Hon'ble Supreme Court dated 2.9.2014 in WP 888/1996, Almitra Patel and dated 22.2.2017 in WP 375/2012, Paryavaran Suraksha. Order dated 22.12.2016 in Almitra Patel clearly laid down liability for compensation for breach of statutory timelines. Similarly, liability for compensation was laid down for failing to install water pollution control devices after 31.3.2020. The Tribunal has to follow 'Polluter Pays' principle under Section 20 of the NGT Act. The State Authorities contributing to the pollution by failing in their constitutional duties are to be held accountable on this principle. Admittedly, timelines under Supreme Court orders and orders of this Tribunal for preventing water pollution and statutory timelines for solid waste management are over. Thus, atleast from 01.01.2021, the 'Polluter Pays' principle has to be applied. Compensation has to be equal to the loss to the environment and also taking into account cost of remediation.

45. In our recent order dated 01.09.2022 in O.A No. 606/2018 (in respect of State of West Bengal), considering scale of compensation adopted in earlier cases including in OA No. 1002/2018, Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors., compensation was determined @ Rs. 2 Crore per MLD for untreated liquid waste and in OA No. 286/2022 for unprocessed legacy waste compensation was fixed @ Rs. 300 per MT to be utilized for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months. Operative part of the said order is reproduced below:-

"Conclusion about quantum of compensation

49. In the light of above and considering damage to the recipient environment, we hold that apart from ensuring compliance at the earliest, compensation has to be paid by the State for past violations. The amount of compensation is fixed @ Rs. 2 crore per MLD (at which rate compensation has been levied against Noida and DJB in OA No. 1002/2018, *Abhisht Kusum Gupta vs. State of Uttar Pradesh & Ors*, referred to in para 48 above for detailed reasons mentioned therein). As noted earlier, **gap in generation and treatment in West Bengal, as per data furnished is 1490 MLD. Thus, under this head, liability of the State of West Bengal is to pay compensation of Rs. 2980 crores, rounded off to Rs. 3000 crore in view of continuing damage. For failure to process solid waste, unprocessed legacy waste being 1.20 crore MT, compensation is assessed @ Rs. 300 per MT (at which approximate rate compensation has been awarded in OA No. 286/2022 against Municipal Corporation, Ludhiana, for the reasons given therein). This works out to Rs. 366 crore but adding 134 crore for continuing addition of unprocessed waste @ 13469.19 TPD, the total amount is rounded off to Rs. 500 crore. Thus, final amount of compensation under the two heads (solid and liquid waste) is assessed at Rs. 3500 crores which may be deposited by the State of West Bengal in a separate ring-fenced account within two months, to be operated as per directions of the Chief Secretary and utilised** for restoration measures, including preventing discharge of untreated sewage and solid waste treatment/processing facilities, as per appropriate mechanism for planning and execution that may be evolved, within three months. If violations continue, liability to pay additional compensation may have to be considered. Compliance will be the responsibility of the Chief Secretary.”

46. Following the above pattern, we determine compensation payable by the State of Maharashtra. In respect of **gap in treatment of liquid waste/ sewage i.e. 5420.33 MLD, compensation works out to Rs. 10840.66 crores and compensation for un-remediated legacy waste to the extent of 3,94,19,287 works out roughly to about Rs. 1200 crores. We round off the compensation amount @ Rs. 12,000/- crores which may be deposited by the State of Maharashtra in a separate ring-fenced account within two months, to be operated as per directions of the Chief Secretary and utilised** for restoration measures. The restoration measures with respect to sewage management would include setting up of sewage treatment and utilization systems, upgrading systems/operations to ensure utilization of their full capacities, ensuring compliance of standards, including those of fecal coliform and setting up of proper fecal sewage and sludge management in rural areas. With regard to solid waste management, the action plan would include setting up of required waste processing plants and remediation of left out 84 sites. Bio-remediation/bio-mining process need to be executed as per CPCB guidelines and the stabilized organic waste from biomining as well as from compost plants need to comply with laid down specifications. Other material recovered during such processes are to be put to use through authorized dealers/handlers/users. This restoration plan needs to be planned and executed in a time bound manner without further delay. If violations continue,

liability to pay additional compensation may have to be considered. Compliance will be the responsibility of the Chief Secretary.

47. Award of above compensation has become necessary under section 15 of the NGT Act to remedy the continuing damage to the environment and to comply with directions of the Hon'ble Supreme Court requiring this Tribunal to monitor enforcement of norms for solid and liquid waste management. Moreover, without fixing quantified liability necessary for restoration, mere passing of orders has not shown any tangible results in the last eight years (for solid waste management) and five years (for liquid waste management), even after expiry of statutory/laid down timelines. Continuing damage is required to be prevented in future and past damage is to be restored."

9. In the light of above observations and directions, there is need for effective and coordinated planning and execution for preventive and remedial measures for protection of potable water, aquatic life, public health, hygiene and overall environment. Consistent with earlier directions, the Chief Secretary, Maharashtra may set up appropriate mechanism for speedy compliance of the norms in execution of action plan in the matter, considering the nature and extent of violations already noted above. The Municipal Commissioners of Kolhapur and Ichalkaranji, which are main local bodies in the area, may particularly take remedial measures under their supervision and file action taken report within three months with the Chief Secretary, Maharashtra and also this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may give progress achieved in bridging the gap in sewage treatment not only by the KMC and IMC but also by villages and councils.

10. The Chief Secretary may inter-alia consider associating with the ACS, Urban Development, Maharashtra, NEERI and CPCB in the process of planning and execution. The Chief Secretary may include steps in the matter in the report to be furnished in OA No. 606/2018 and also a separate report with the issues involved in this matter with the Registrar

General by email in same manner as in above direction within three months.

The Registrar General may list the matter before the Bench if found necessary.

Subject to above the application is disposed.

The copy of this order be forwarded to the Chief Secretary, Maharashtra, ACS, Urban Development, Maharashtra, CPCB, District Magistrate, Kolhapur, Municipal Commissioners of Kolhapur and Ichalkaranji, CPCB and Director, NEERI by email.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 01, 2023
Original Application No.563/2022
A