

Item No. 06

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

M.A. No. 37/2015
IN
Original Application No. 46/2013 (WZ)

Dr. Udaykumar Jagtap

Applicant(s)

Versus

Saswad Municipal Council & Ors.

Respondent(s)

Date of hearing: 20.02.2019

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

For Applicant(s):

Mr. Uday Kumar Jagtap, in person

For Respondent (s):

Ms. Supriya Dangare, Advocate for MPCB
Mr. Ajay Godegaonkar and Mr. V. Mahajan,
Advocates for Saswad Municipal Council
S.B. Vaidya Pandit, Advocate for Collector, Pune

ORDER

M.A. No. 37/2015

1. The issue for consideration is disposal of municipal solid waste and steps taken by the Saswad Municipal Council, District Pune to prevent pollution of river Karha and its streams and water bodies.
2. The Tribunal disposed of the matter on 04.09.2014. In the said judgment, the Tribunal directed the Saswad Municipal Council to commission the Municipal Solid Waste (MSW) Plant by 31.03.2015 and to make oxidation ditch operational with a view to achieve

discharge norms as prescribed. The Maharashtra Pollution Control Board (MPCB) was to monitor compliance of the directions and the Collector, Pune was also to review the progress on monthly basis.

3. The present application has been filed for execution of the directions by stating that steps have not been taken for commissioning of the MSW Plant. It is also stated, during the hearing, that STP is not functional.
4. The Tribunal considered the application on several dates and finally, on 01.12.2017, statements were recorded on behalf of the Urban Development Department, State of Maharashtra to the effect that policy for disposal of legacy waste has been framed and on behalf of the Saswad Municipal Council that tender has been issued for executing the work of bio-mining.
5. Learned Counsel for the Saswad Municipal Council states that legacy waste has already been cleared.
6. The applicant in person, however, states that Sewage Treatment Plant (STP) is not functioning and even MSW plant is not working.
7. Learned Counsel for the Saswad Municipal Council states that the STP will start working within one and a half years and MSW plant is actually in operation.
8. We find that the Saswad Municipal Council is required to be made accountable for discharging untreated sewage. In view of past failure for long time in preventing discharge of untreated sewage in water bodies, pending consideration of the compensation for damage to be

recovered, we direct Saswad Municipal Council to furnish a Performance Guarantee in the sum of Rs. 25 Lakhs to the satisfaction of the CPCB within one month undertaking to make STP fully functional and operative within one and a half years and in the default, the amount to be forfeited. This may be ensured by the Secretary, Urban Development, Maharashtra.

9. We also give liberty to the applicant to move the Monitoring Committee set up by this Tribunal for monitoring the compliance of Municipal Solid Waste Management Rules, 2016 headed by Justice J.P. Devadhar, former Judge, Bombay High Court in Original Application No. 606/2018, vide order dated 16.01.2019.
10. The M.A. No. 37/2015 stands disposed of.
11. In case the Performance Guarantee is not furnished as directed, the Secretary, Urban Development Department, Government of Maharashtra will be personally responsible.
12. A copy of this order be sent to the CPCB, the Secretary, Urban Development Department, State of Maharashtra, MPCB and Justice J.P. Devadhar, former Judge, Bombay High Court by e-mail for compliance.
13. Learned Counsel for the Saswad Municipal Council will inform his client and furnish a copy of this order to his client for compliance.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 20, 2019
M.A. No. 37/2015 in
Original Application No. 46/2013 (WZ)
DV

