

Item No. 03

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

Original Application No. 09/2017 (WZ)  
(M.A. No. 148/2018)

Suresh Banarasilal Jaipuria

Applicant (s)

Versus

M/s. SMS Paryavaran Ltd. & Ors.

Respondent(s)

Date of hearing: 27.02.2019

**CORAM:** 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): Ms. Yadnayseni Gaikwad, S.V Abhang, Advocates

For Respondent (s): Mr. Vidhish V. Sakarkar, Mr. R.S. Deshpande,  
Advocates  
Mr. D.M. Kale, Advocate for R-5  
Mr. Vilas Jadhav, Advocate for R-6

**ORDER**

**M.A. No. 148/2018**

1. This application is filed by Respondent No. 1, SMS Paryavaran Ltd. seeks for a direction to be issued upon the Respondents No. 2 to 4 to take over the operations and maintenance of Shegaon STP.
2. Mr. Dinesh Thapar, Learned counsel for the Respondent No. 1 submits that during the intervening period the Respondent

Nos. 2 to 4 have already taken over the STP from the Respondent No. 1.

3. In view of the above, we find that the Misc. Application has been rendered infructuous.

4. The M.A. No. 148/2018 thus stands disposed of as being infructuous.

**Original Application No. 09/2017**

1. The fundamental questions raised in this case are with regard to the laying of the sewerage network and establishment of STP in Shegaon, District Buldana, Maharashtra. It has been alleged that certain mandatory requirements prescribed in the contract agreement between the Respondent Nos. 2 to 4 and the Respondent No. 5, the Municipal Council, have not been carried out, the most significant one being the leakage test of the network and the STP. The applicant alleges that due to non-compliance of this requirement, there is severe seepage due to leakage in the sewerage pipe affecting the soil and the ground water in the area. It is also alleged that the pipeline has been laid with a defective slope which has aggravated the seepage.

2. Learned counsel for the Respondent No. 5, the Shegaon Municipal Council, submits that a Writ Petition is pending before the Nagpur Bench of the Bombay High Court registered as Writ Petition No. 5856 of 2007 in which the subject matter of the present application is also a part and the present applicant is one of the Petitioners in the Writ Petition. It is stated that the High Court has been issuing directions from time to time with regard to the questions involved in the present case also.

3. It is further stated that the work on the sewerage network and the STP scheme have not been fully completed with and there are observations of the High Court that the quality of the works undertaken are sub-standard and also, that the Amravati Division Commissioner, who is the nodal officer of the comprehensive plan, namely, Shegaon Privilege Development Plan, has been supervising the entire work.

4. It may be observed that we are not concerned with the project as a whole in this case which appears to be the subject matter of the Writ Petition before the High Court. What we are dealing with here is only the environmental question arising out of the project, confined to the case of the applicant.

5. In the light of the above, we find substance in the applicant's case in view of the notices issued by the Maharashtra Pollution Control Board (MPCB) upon the respondents firstly stating that no consent to operate has not been obtained before operation of the sewerage treatment plant and secondly, the last notice issued on 24.2.2019 indicated the sewerage treatment plant to be partially operational.

6. Considering all the facts and circumstances contained in the various pleadings and submissions made by the learned counsel for the parties, we are of the considered opinion that the matter requires to be looked into by the MPCB on the following aspects. For this purpose the MPCB shall constitute a Committee comprising of three members of the Board, namely, an Environmental Scientist, an Environmental Engineer and an Expert on Sewage Management.

7. We accordingly direct so.

8. The Committee of the MPCB shall perform the following works:-

- (i) They shall visit the entire stretch of the sewerage network and the STP within a period of three weeks.
- (ii) The team shall examine-

- (a) As to whether there is any seepage in the pipeline and the STP.
- (b) The team shall also examine the functional efficiency of the STP by conducting an appropriate test.
- (c) The team shall conduct test to ascertain as to whether there is any contamination of soil and ground water, water bodies, wells, etc. in the vicinity of the sewerage network and the STP.

(iii) The MPCB shall consider the application for consent to establish/operate submitted by the Municipal Council and disposed it of as expeditiously as may be practicable in accordance with law.

9. The MPCB shall submit its report within one month from hence by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com). List on 24.04.2019.
10. We make it clear that while undertaking the above task, the applicant shall also be permitted to participate.
11. It is stated that O.A. No. 5/2018(WZ), *Gopal Choudhari Vs. SMS Paryavaran Ltd. & Ors.*, which also involves the very questions under consideration in the present O.A., is listed on 27.03.2019. Let that O.A. be also listed on 24.04.2019 as the

consequence of the report of the MPCB in this O.A. will also apply to that case.

12. We direct that the records of Original Application No. 05/2018(WZ) be transferred to the Principal Bench at New Delhi before the next date.



February 27, 2019  
O.A. No. 09/2017 (WZ)  
AS

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM