

ITEM NO.18

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).10582/2017

MUNICIPAL CORPORATION, ULHASNAGAR MUNICIPAL
CORPORATION

Appellant(s)

VERSUS

VANASHAKTI PUBLIC TRUST & ORS.

Respondent(s)

(With appln.(s) for directions, exemption from filing c/c of the
impugned judgment, permission to bring on record additional facts
and documents, stay and exemption from filing O.T.)

WITH

C.A. No.10794/2017 (XVII)

C.A. No.10795/2017 (XVII)

C.A. No.10796/2017 (XVII)

Date : 10-04-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Mr. Subrat Birla, Adv.
Mr. S.C. Birla, AOR

Mr. Aman Varma, AOR
Mr. Anjuman Tripathy, Adv.

Mr. Ninad Loud, Adv.
Mr. Aman Varma, Adv.
Mr. Anjuman Trupathy, Adv.
Mr. Aditya Pratap Swain, Adv.
for Mr. Kush Chaturvedi, AOR

For Respondent(s)

Mr. Colin Gonsalves, Sr. Adv.
Mr. Olivia Bang, Adv.
Mr. Satya Mitra, AOR

Mr. Siddharth Acharya, Adv.
Mr. Ankur Kumar, Adv.

	Mr. Mukesh Verma, Adv. Mr. Yash Pal Dhingra, AOR
CPCB	Mr. Saurabh Mishra, AOR Mr. Abhishek Singh, Adv. Ms. Aashna, Adv. Mr. Onkar Singh, Adv.
MIDC	Mr. G. Pal, Adv. Mr. Soumik Ghosal, AOR Ms. Ramni Taneja, Adv. Ms. Shyamali Gadre, Adv. Mr. Gaurav Singh, Adv.
UOI	Ms. Suhasini Sen, Adv. Ms. Prerna Kumari, Adv. Ms. Nivedita, Adv. for Mr. Gurmeet Singh Makker, AOR
State	Ms. Deepa M. Kulkarni, Adv. Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. A status report has been filed on 30 March 2019 by the Executive Engineer, Water Supply & Sewage Department of the Ulhasnagar Municipal Corporation. The status report basically deals with four issues which are :

- "i) Sewerage treatment works under the Atal Mission for Rejuvenation and Urban Transformation ("AMRUT") scheme of the Central Government.
- ii) Sewerage treatment works under the Appellant Corporation's own initiative with respect to the Khemani nalah.
- iii) Measures recommended by the National Environmental Engineering Research Institute (NEERI).
- iv) The issue of jeans washing and dying units along the Waldhuni river."

2. Charts indicating the purpose of work have been annexed to the status report. Annexure-A-27 indicates the progress which has been made in the work undertaken under the AMRUT scheme. We find that while the construction of the STPs at Shantinagar and Vadole is proceeding, there has been no progress at all in the construction at Khadegolavali. As many as seven tenders have failed by now and the eighth tender was issued on 22 March 2019, to which also no response has been received. Evidently, there has been no application of mind by the authorities on the reasons why the tenders have not elicited response. This should have been taken note of much earlier so that changes if required could be made in the tenders. We also find that the work of diverting the sewage from Ambikanagar is tardy. All these aspects must be dealt with on priority.

3. We have also perused the status of the work for diversion of the Khemani Nalah (Annexure-A-31) and the implementation of the recommendations made by NEERI. These are matters which must be monitored by the competent authority of the State Government and by the Municipal Corporation. By its very nature, it is not possible for this Court to micro-manage these issues.

4. We, accordingly, direct that the Secretary in the Department of Environment of the Government of Maharashtra shall hold fortnightly meetings with the Commissioner of Ulhasnagar Municipal Corporation and with the Commissioners

of the other municipal corporations and authorities, on whose part steps are required to be taken to ensure the setting up of facilities for treatment of sewage. This exercise shall be carried out in order to ensure that the Court is duly apprised on the next date of hearing of the exact status of compliance.

5. We direct that the steps, which have been taken by (a) Ambernath Municipal Corporation; (b) Kulgaon Badlapur Municipal Council; (c) Kalyan-Dombivali Municipal Corporation; and (d) Maharashtra Industrial Development Corporation, shall also be monitored by the Secretary in the Department of Environment, Government of Maharashtra.

6. The Secretary in the Department of Environment, Government of Maharashtra, shall, after collecting relevant data from the concerned Municipal Commissioners, file an affidavit of compliance by the next date of hearing.

7. Insofar as the recommendations of NEERI are concerned, the Secretary, Department of Environment of the State Government, shall also call for relevant information to be fully apprised of compliance.

8. The Secretary, Department of Environment, shall cause an inspection to be carried out by a competent team of officers including a representative of NEERI to verify the factual position in regard to implementation.

9. An intimation shall be given to the 1st respondent who will be at liberty to depute a representative on the date fixed for inspection. The inspection shall proceed even if the representative of the 1st respondent is not present.

10. We post hearing of the proceedings to 17 July 2019.

(Sunil Kumar Rajvanshi)
Branch Officer

(Sarita Purohit)
AR-cum-PS