

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

APPLICATION NO.9(THC) /2013 (WZ)

**Bhousaheb s/o. Bhimaji Kulat & Anr. Vs The State of Mah. & Ors.**

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant : None Present.**

**Respondent No.6 : Mr. D.M. Gupte, Adv.  
Mr. Supriya Dangre, Adv.  
Mr. P.R. Mane,  
Sub Regional Officer, MPCB**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No.4 December 4, 2013 Order No.3</b></p>	<p>We have noticed that inspite of due service of private notices through the MPCB, the Applicants as well as the other Respondents have remained absent. The MPCB is added as Respondent No.6 in the present apppp-[lication.</p> <p>Shri D.M. Gupte, Learned Counsel for MPCB makes a statement that no further renewal of the Authorisation is issued in favour of the Ahmednagar Municipal Corporation. It appears from the record that Ahmednagar Municipal Corporation has not taken care to follow mandatory provisions of MSW (M &amp; H) Rules, 2000. The Corporation has not obtained necessary authorisation for proper collection and Management of Municipal Solid Waste, nor appropriate garbage and waste disposal site has been identified and got approved. It also appears that no proper ETP is established. In other words, presently, Ahmednagar Municipal Corporation is dealing with the Municipal Solid Waste without following the MSW Rules and as such, there is, <i>prima facie</i> serious violation of the mandatory provisions of the said Rules.</p> <p>Considering the record of the MPCB and the Report which is filed alongwith Affidavit of the Respondent No.6 by Learned Counsel Shri Gupte, we direct that a Bailable Warrant in tune of Rs.20,000/- (Rs. Twenty Thousand only) be issued to the Commissioner of Municipal Corporation of Ahemdnagar, in terms of the Provisions of Section 19(4)(a) of the National Green Tribunal Act, 2010 read with Order XV 1 Rule 10(3) and Section 151 of C.P.C. The warrant shall be served through the Superintendent of Police, Ahmednagar. The Bailable Warrant be returnable on 8<sup>th</sup> January 2014. So also, Bailable</p>

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Warrant in tune of Rs.20,000/- each against the Applicant Nos.1 and 2 directing them to remain personally present in this Tribunal on 8<sup>th</sup> January 2014, through the office of S.P. Ahmednagar.

The Registrar of this National Green Tribunal (WZ) Pune to issue a request letter (D.O.) by name to the Commissioner, Pune Division to inform the Collector Ahmednagar by issuing a D.O. letter to remain present and file reply-Affidavit in the instant application on scheduled date, in order to avoid adverse consequences.

The Registrar of National Green Tribunal also to write a D.O. letter to Mr. Sanjeev Kumar, Collector, Ahmednagar, giving him a copy of this order for the compliance.

We make it clear that the MPCB is at liberty to take appropriate legal action against the Municipal Corporation for non compliance of the MSW Rules, including prosecution of the authorised and responsible Officers of the Corporation. In case, such prosecution is under taken the Learned Judicial Magistrate, may be requested to expeditiously deal with the complaint case filed by the Pollution Control Board so as to decide the case as early as possible.

**Stand over to 8<sup>th</sup> January 2014.**

....., JM  
**(Justice V. R. Kingaonkar)**

....., EM  
**(Dr.Ajay A. Deshpande)**

**P.T.O**

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**Present: Applicant : None Present.**

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<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No.4 December 4, 2013 Order No.3</b></p>	<p>After passing of the above order at 2.30 p.m. Shri Bedre, learned Advocate appeared for the Municipal Corporation, Ahmednagar. He submitted application for cancellation of the Bailable Warrant. The application is taken on record. He submitted that he could not attend the Tribunal in time due to certain difficulties. The application is supported by Affidavit of the concerned Sectional Engineer, of the Municipal Corporation. We deem it proper to grant the application and cancel issuance of the Bailable Warrant. We have, however, directed the Learned Advocate (Shri Bedre) to file his Vakalatnama and the reply Affidavit within one week.</p> <p style="text-align: center;"><b>Stand over to 8<sup>th</sup> January 2014.</b></p> <p style="text-align: right;">....., JM (Justice V. R. Kingaonkar)</p> <p style="text-align: right;">....., EM (Dr.Ajay A. Deshpande)</p> <p style="text-align: center;"><b>Stand over to 8<sup>th</sup> January 2014.</b></p> <p style="text-align: right;">....., JM (Justice V. R. Kingaonkar)</p>

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