

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

M.A.No.110/2014 IN (WZ)  
APPLICATION NO.14 /2013 (WZ)

**Smt. LalitaShinde&Anr Vs. TrimbakeshwarMun. Council &Ors**

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

**Present: Applicant/ Appellant : Pravartak Pathak Adv  
Respondent Nos. 1,2 : SudhirS.KotwalAdv  
Respondent No. 3 : D.M.GupteAdv  
SupriyaDangreAdv  
Respondent No.5 : ShwetaBusarAdv  
Intervener : N.P. BhausarAdv holding for  
Shailesh S. KharatAdv**

| Date and Remarks                                 | Orders of the Tribunal  |
|--|---|
| <b>Item No.4<br/>July 4, 2014<br/>Order No.7</b> | <p>We have heard learned Counsel for parties.</p> <p>It is stated by learned Counsel for Trimbakeshwar Municipal Council that as per directions of the Government, Nashik Municipal Corporation, has undertaken responsibility to accept temporarily the load of garbage/Municipal waste for the purpose of disposal at the site of Municipal Corporation, if the same is transported from Trimbakeshwar to Nashik at the cost of Trimbakeshwar Municipal Council. It is also stated by the learned Counsel for Trimbakeshwar Municipal Council that Municipal Council, Trimbakeshwar has identified a Municipal Solid Waste (MSW) disposal site, which is approved by the MPCB. This fact is confirmed by the learned Counsel of MPCB. The learned Counsel for Trimbakeshwar Municipal Council, has filed action plan to show that diversion of Nullah, disposal of garbage, MSW, as well as relevant issues will be taken care of. Perusal of action plan, however, indicates that there are certain clarifications needed, in order to appropriately plugthe loopholes. For example, the action plan does not show as to how many employees will be engaged for lifting of the garbage from the site of 'PoojaVidhi' and who will pay them and whose responsibility it will be if the loading will not be undertaken by any transport Agency. There are other clarifications needed in the action plan, which we have pointed out to the learned Counsel. Needless to say, the action plan is required to be properly drafted and put forth after due deliberation and it has to be made workable, enforceable and effective.</p> <p>We think it proper that in the meanwhile the garbage/MSW of Trimbakeshwar township, may be allowed to be transported and shifted to Nashik Municipal Corporation, if it is so accepted by the said Corporation.</p> |

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The Applicants may add Municipal Corporation, Nashik, as a party/Respondent in the present Application, so as to effectively and finally adjudicate the issue.

The Respondent- Municipal Council, Trimbakeshwar, shall prepare an appropriate, clear and scientific action plan, with the help of Expert Agency and advice of MPCB and the same shall be placed on record, so as to make it workable and also mentioning time frame with the availability of the funds for completing the MSW plant and all other requirements, to make plant workable. In the meanwhile, the Chief Officer of Municipal Corporation, Nashik, shall file an undertaking along with affidavit, if the proposal for shifting/accepting of MSW/garbage of Trimbakeshwar Municipal Council, is accepted by Nashik Municipal Corporation for the purpose of treatment at the site, by way of stopgap arrangement till the MSW plant of Trimbakeshwar Municipal Council, is made functional. The undertaking along with affidavit, shall be filed within period of four (4) weeks and revised action plan also shall be filed within period of four (4) weeks, in appropriate manner. The amendment as regards addition of parties, shall be immediately carried out by the Applicants, if so desired and Notice to the Municipal Corporation, Nashik be issued for 'Dasti' service.

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

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

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