BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

Original Application No. 177(Тнс)/2016 (Old No. PIL 182/2009) М.А. No. 390/2016 М.А. No. 391/2016 М.А. No. 392/2016 М.А. No. 393/2016 М.А. No. 394/2016 М.А. No. 395/2016 М.А. No. 396/2016 М.А. No. 397/2016

Shri. Kaustubha Dattatraya Ghokhale & Anr. Vs State of Maharashtra, Through Chief Secretary & Ors.

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CORAM: HON'BLE MR JUSTICE U.D.SALVI, JUDICIAL MEMBER HON'BLE DR. AJAY DESHPANDE, EXPERT MEMBER

Present:

Applicant/Appellant Respondent No.1

Respondent Nos. 2,3

In person Mr Nandkishor D Burade Collectorate, Thane Rajashree Kevre Adv a/w Vanmala Anuse Adv Mr Ghanshyam Navangul Ex Engr, Manasi Joshi Adv

Respondent No.7

M.A. No. 390/2016

M.A. No. 391/2016 M.A. No. 392/2016 M.A. No. 393/2016 M.A. No. 394/2016 M.A. No. 395/2016 M.A. No. 396/2016 M.A. No. 397/2016

Date and Remarks Item No. 3 March 15, 2017 Order No.5

The Applicants in these Misc. Applications were called out. Nobody is present on their behalf.

Orders of the Tribunal

These Applications arise from ad-interim Order dated 13th April, 2015, passed by the Hon'ble High Court of Bombay in these proceedings before the same Bench, which transferred the matter to this Tribunal. The record reveals that the Hon'ble High Court modified its ad-interim order dated 13th April, 2015 on 25th April, 2016, as follows:

Order

a) The ad-interim order dated 13 April 2015 is modified by permitting the Applicants-KDMC, State Government and MMRDA and its Authorities to process and decide the Application/proposal for construction of buildings, residential and/or commercial in accordance with law."

Nothing, therefore, survives in these Applications. These

Item No. 3 Applications, therefore, stand disposed off. March 15, 2017

Order No.5

We had directed the Collector, Thane to hold a Meeting of stakeholders in relation to Sewage Treatment Plant (STP) at Adharwadi, Taluka Kalyan, discuss the issue and format a time-bound action plan in addressing the grievances raised in the present Application.

We have before us Mr Ghanshyam Navangul, Executive Engineer of Kalyan-Dombivali Municipal Corporation (KDMC), who discloses that they have generation of MSW within the limits of KDMC is 550MT/D and available facility for handling, treating and disposal of MSW is 6MT/D. the Hon'ble High Court of Bombay had also noted the grim situation as regards handling and disposal of MSW within the limits of KDMC and had noticed that there was no solution to the problem highlighted in the Petition. The Hon'ble High Court had also expressed that there has to be an action plan chopped out by the Corporation Authorities. We were informed on the last day that the Corporation was to hold its Meeting again on 13th February, 2017 for formatting time bound action plan what has now been discussed by the Executive Engineer of the Corporation before us that does not reveal that a concrete action plan for treatment and disposal of solid waste within limits of the Corporation in accordance with expectations of the Municipal Solid Waste Management Rules, 2016.

An action plan, in our considered opinion, must take into consideration the present generation of solid waste and forcible increase in the solid waste due to fast urbanisation of the areas, the manner with which the solid waste will be handled, treated and disposed of in accordance with the Municipal Solid Waste Management Rules, 2016, feasible technology to be adopted for such action, availability and sources of funds, stage-wise implementation of the action plan and timeframe required to implement such stages.

We direct that the Corporation shall frame such action plan, keeping in view the Municipal Solid Waste Management Rules, 2016 and the directions passed of directions passed in *Mrs. Almitra H. Patel & Anr Vs Union of India & Ors* : ORIGINAL APPLICATION NO. 199 OF 2014 by the Hon'ble Principal Bench of NGT, New Delhi, on or before 24th March, 2017. Such action plan shall be placed before us with an affidavit sworn by the Municipal Commissioner, KDMC. Copies shall be furnished to the parties or their Counsel before us. Failure to place such action plan on the given date, shall entail payment of costs of Rs. 1Lakh as well as further directions regarding necessity to curb growing urbanization within limits of the Corporation.

