

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

Execution Application No. 44/2016

In

M.A. No.177/2017

In

Application No.40/2014

[Disposed of on 18.12.15]

In the matter of:-

Mr. Charudatt Koli V/s M/s. Sea Lord Containers & Ors.

**CORAM: HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present:**

<b>Applicant/Appellant</b>	<b>:</b>	<b>Mr. Sangramsingh Bhonsle, Adv. a/w Ms. Aarti Bhonsle, Adv. Ms. Aditi Deora, Adv.</b>
<b>Respondent Nos.1, 2</b>	<b>:</b>	<b>Mr. Gaurav Joshi, Sr. Advocate a/w Mr. Aniket Nimbalkar, Adv. Mr. Kedar Kirde, Adv. i/b AZB &amp; Partners.</b>
<b>Respondent Nos.4 &amp; 5</b>	<b>:</b>	<b>Mrs. Supriya Dangare, Adv.</b>
<b>Respondent No.6</b>	<b>:</b>	<b>Mr. Sameer Khale, Adv. a/w Mr. Rahul Garg, Adv.</b>
<b>Respondent Nos.9, 10</b>	<b>:</b>	<b>Mr. Anirudh Bhalwal, Adv. i/b M/s. Vyas &amp; Bhalwal</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.2 23<sup>rd</sup> August, 2017 Order No.13</b>	<p>Learned Counsel appearing on behalf of the Applicants questions the compliance/satisfaction of the directions at Paragraph No.57 (a), (b) and (c) of the Order/Judgment dated 18<sup>th</sup> December, 2015. He points out that the Comprehensive Action Plan is based on the data much prior to the passing of the Judgment dated 18<sup>th</sup> December, 2015. According to him, the MPCB was expected to carry out the studies regarding the pollutants like VOCs in Village Mahul, Ambapada and Chembur area before the Comprehensive Action Plan to control them was conceived. He submits that this Tribunal also in its Judgment after having considered the past data put forth by the MPCB expressed its dis-satisfaction with the following observations:</p> <p style="padding-left: 40px;">“17.....We have noticed that MPCB has conducted detailed VOC assessment studied in areas of Tarapur, Navi Mumbai, Chandrapur, Aurangabad and Dombivali and such comprehensive</p>

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report is available on MPCB website. However, in spite of specific VOC issue involved in the present matter, such studies have not been carried out and some monitoring in piecemeal manner has been conducted. We do not know the reasons for not conducting such studies, but would expect Member Secretary to look into the matter for further necessary action.”

He further pointed out that the MPCB was directed to conduct ambient air quality study and accordingly the MPCB had engaged an agency named ‘Goldflinch’ to carry out certain studies and presented the report of the ‘Goldflinch’. He submitted that this Tribunal had also expressed dis-satisfaction regarding the said Report of ‘Goldflinch’ in following terms:

“18. ....It is also observed that the samples were collected by the laboratory itself and there is no involvement of MPCB in collection or analysis of the samples. We are constrained to bring out such inadequacy in the report only due to the fact that the MPCB has not applied its mind on such report before presenting it to National Green Tribunal.”

In this backdrop he submits that the Comprehensive Action Plan prepared by MPCB and later approved by CPCB suffers from basic infirmity and the directions issued to the various stakeholders thereupon also do not cater to the actual need of environment. He further submits that the directions issued by MPCB also do not follow the recommendations of its Expert Committee as per report of August, 2014. He submits that it is also doubtful whether the air quality monitoring was conducted by NEERI, Mumbai and its result furnished to the KEM for carrying out health impact assessment studies in compliance to the directions at Paragraph No.57 (c) of the said Judgment. He also expressed reservation about the adequacy of the first-aid measures in case of VOC affected patients at public health centres of the Municipal Corporation of Greater Mumbai at Mahul, Ambapada and Chembur.

We had directed the Applicant to make submissions as regards the compliance of the said directions. Learned Counsel appearing on behalf of the Applicants seeks time to give the particulars regarding the necessary medical facilities and treatment at the said public

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health centres.

In the meantime, we further direct the Applicant to place the inadequacies that he sees in the Comprehensive Action Plan prepared by MPCB on affidavit. MPCB is also directed to consider the facts pointed out by the Applicant through his submissions before us today and place its comments before us on the next date. Municipal Corporation of Greater Mumbai to place on record the facilities/ emergency measures available at public health centres for handling emergency situations like cardiac arrest, paralysis induced by pollution caused by VOCs.

**List the case on 28<sup>th</sup> September, 2017.**

....., JM  
(Justice U. D. Salvi)

....., EM  
(Bikram Singh Sajwan)

