

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

M.A. No. 95/2015

IN

Application No. 38/2014 (WZ)

**Vishwas Madhavrao More Vs. Krishi Utpanna Bazar Samittee, Pimpalgaon
Baswant & Ors.**

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

Present: Applicant/ Appellant : Mr. Anand Akut, Adv.

Respondent No. 1 : Mr. Shivraj P. Kadam, Adv.

Respondent No. : Mrs. Supriya Dangare, Adv.

Date and Remarks	Orders of the Tribunal
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against the Respondent No. 1 for which vicarious liability is likely to be imposed on the other authorities like the Director of Marketing and, therefore, it may be made clear that there shall not be any step stumbling block in clearance of such proposal. In case of clearance of the proposal stated above, the composting plant shall be installed with due approval of the MPCB and by adopting the latest technology as available at present, so as to scientifically do the work of composting of the garbage, pulp of tomatoes and other bio-degradable waste generated within the area of the APMC, Pimpalagaon Baswant (Respondent No. 1). This work shall be completed within period of 12 months after the amount is sanctioned. MPCB shall process the approval within 1 (one) month after the approval Application is received from the APMC. We direct the Director of Marketing, State of Maharashtra to clear the proposal within period of 4 (four) weeks hereafter, without any procedural cow-webs and hassles.

(c). Considering the fact that previous reports of the MPCB were indicative of dis-satisfactory results in respect of the analysis of sewage and disposal practices particularly at the outlet of the APMC which opens in the proximity of agricultural land of the Applicant and the same are shown to be satisfactory as per the recent affidavit dated 9th July, 2015. There appears internal contradiction between such stance. Therefore, we direct Senior Officer of the Environment Department to be specifically deputed by the Secretary of the Environment Department immediately to collect samples and verify fact position, and if, consent is given then to carry out such work under guidance of Dr. Asolekar, IIT Povai (Mumbai), during the current season, when the crops are being brought to the market yard of the Respondent No. 1 and pulp is allegedly spread over and to submit a critical report alongwith report of result of the analysis carried out through Government laboratory. This work shall be, however, expedited may be in next 6 (six) weeks, in as much as, it has to be carried out during the current season when the crops like tomatoes are brought to the Respondent No. 1 by agriculturists in bulk for selling through Commission agents.

(d). Learned Advocate for the Applicant has stated that the amount of Rs. 5,00,000/- (five lakhs) is received by D.D. which will be encashed by the Applicant without any protest and there will be no claim for interest till date.

In the meanwhile, the MPCB shall seek bank guarantee of

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Rs. 5,00,000/- (five lakhs) from the Respondent No. 1.
Stand Over to 17th December, 2015.

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

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

