

ITEM NO.10

COURT NO.9

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).10582/2017

ULHASNAGAR MUNICIPAL CORPORATION

Appellant(s)

VERSUS

VANASHAKTI PUBLIC TRUST & ORS.

Respondent(s)

(WITH IA No.66013/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.66011/2017-PERMISSION TO BRING ON RECORD ADDITIONAL FACTS AND DOCUMENTS and IA No.66012/2017-STAY APPLICATION and IA No.66789/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.19576/2018-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 10794/2017 (XVII)

C.A. No. 10795/2017 (XVII)

C.A. No. 10796/2017 (XVII)

Date : 31-07-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Appellant(s)

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For Respondent(s)

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Mr. Guruprasad Pal, Adv.
 Ms. Shyamali Gadre, Adv.
 Ms. Ramni Taneja, Adv.
 Mr. Soumik Ghosal, AOR
 Mr. Gaurav Singh, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Ulhasnagar Municipal Corporation

In pursuance of the previous directions of this Court dated 10 April 2019, a status report has been filed by the Secretary in the Department of Environment of the Government of Maharashtra. Similarly, a tabulated statement has been filed on affidavit on behalf of the first respondent, Vanashakti Public Trust.

In the previous order dated 10 April 2019, this Court had directed the Secretary in the Department of Environment to closely monitor the steps being taken for compliance, including in regard to the construction of the Sewage Treatment Plants¹. The present status is as follows:

¹ “STP”

A. Ulhasnagar Municipal Corporation

(i) 60% of the work of the STP with a capacity of 31.26 Millions of Liters Per Day² at Shanti Nagar is completed;

(ii) 70% of the work of the STP with a capacity of 20.72 MLD at Vadol is completed; and

(iii) These STPs as well as the third STP for treating the Khemani nalla of 15 MLD are to be completed by December 2019.

(iv) The proposal for the construction of a fourth STP at Khadegolavali has been forwarded to the State government. The State government shall take a decision on the proposal within a period of three weeks from today. Suitable directions should be given for the commencement of the work at the earliest possible date, for a schedule to be duly prepared and maintained for time-bound completion, preferably by 31 March 2020.

(v) Arrangements have been made to divert the present flow of 9.6 MLD into the saline zone of Ulhas creek through Ambika nalla so as to safeguard against contamination of drinking supply.

The Secretary in the Department of Environment shall continue to monitor the progress and completion of the work in terms of the directions of this Court dated 10 April 2019.

B. Kalyan Dombivli Municipal Corporation

(i) The present sewage generation is 216 MLD while STPs of a capacity of 123 MLD have been provided. However, at present, only 45 MLD of sewage is being treated;

(ii) The Court has been informed that the entire work on the STPs will be completed by February 2020 and the STPs will be made fully functional so as to ensure that the entire sewage generation is duly treated;

(iii) At present, there is a serious problem about the unavailability of conveyance pipes to carry the sewage from the points of discharge to the location of the STPs. We direct that the conveyance pipes be duly erected and made functional by February 2020.

C. Ambarnath Municipal Council

(I) The data before the Court reflects commendable work which has been done by the Municipal Council. STPs of 54 MLD capacity have been provided against a total sewage generation of 28 MLD of which, 22 MLD is being presently treated. The rest of the work is scheduled for completion by December 2019.

(ii) In the meantime whatever remaining work has to be completed on the sewage network and household connections will be completed as per the schedule so as to cater to a population demand till 2030.

D. Kulgaon Badlapur Municipal Council

(i) At present, total sewage generation is 26 MLD. STPs have been installed with a capacity of 22 MLD and 20 MLD is being treated;

(ii) The bottleneck which is being faced is due to the pending approval from the Railway Department;

(iii) We direct the Railway Authorities to expedite the grant of approval and complete the process with intimation to the Municipal Council within a period of fifteen days from the date of receipt of a certified copy of this order;

(iv) The Municipal Council has also submitted an action plan to meet the requirements of the population up to 2025. The action plan shall be duly scrutinized by the Secretary in the Department of Environment and necessary instructions shall be given to ensure that steps are taken in that regard:

(v) Despite the claim which has been made before this Court by the Kulgaon Badlapur Municipal Council, it appears that on 6 May 2019, Maharashtra Pollution Control Board³ was constrained to issue a notice for the discharge of untreated domestic effluent of approximately 10 to 12 MLD from Hendrepada nalla. Moreover, serious problems have been noted in regard to the STP;

(vi) We are, therefore, not satisfied with the compliance which has been submitted by the Municipal

Council. We direct that the Secretary in the Department of Environment shall strictly scrutinize and ensure compliance by the Kulgaon Badlapur Municipal Council. The Court may otherwise be required to issue coercive directions against the Chief Officer and require his personal presence in the event there is no improvement by the next date.

E. Maharashtra Industrial Development Corporation⁴

(i) The affidavit which has been filed on behalf of the Government of Maharashtra by the Secretary in the Department of Environment does not contain any concrete explanation of the steps which have been taken by MIDC. In fact, the minutes of the meeting held on 22 April 2019 merely state that a work order for laying down of a marine outflow pipeline was issued on 15 February 2019 and that the work will be completed within three years.

(ii) We are of the view that this is a clear unsatisfactory state of affairs. We give one final opportunity to MIDC to make a full disclosure of the steps undertaken before the Secretary in the Department of Environment within a period of two weeks from the date of receipt of a copy of this order. The Secretary is requested to monitor compliance, set down time schedules and ensure that the serious problem which has arisen as a result of the untreated effluent is duly rectified. This direction shall also cover the sewage generated from the

MIDC residential areas.

The fortnightly meetings which were directed by this Court to be held under the previous order dated 10 April 2019 shall continue. All other directions for monitoring of compliance by the Secretary in the Department of Environment shall also hold the field pending further orders.

The first respondent, Vanashakti Public Trust, has been permitted by the Secretary in the Department of Environment to attend all meetings. Sufficient advance notice may be made available to the first respondent so as to enable its representative to attend the meetings.

We direct that the proceedings be listed before this Court on 16 October 2019 for monitoring further developments that have taken place in relation to Ulhasnagar Municipal Corporation and MIDC.

Parties are at liberty to inform the National Green Tribunal⁵ about the pendency of these proceedings before this Court. The NGT will be at liberty to deal with such issues as are not being adjudicated upon in the course of the present proceedings.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER