

ITEM NO.18

Court 3 (Video Conferencing)

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.10582/2017

ULHASNAGAR MUNICIPAL CORPORATION

Appellant(s)

VERSUS

VANASHAKTI PUBLIC TRUST & ORS.

Respondent(s)

(With appln.(s) for IA No. 53816/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 66013/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 19576/2018 - EXEMPTION FROM FILING O.T., IA No. 66011/2017 - PERMISSION TO BRING ON RECORD ADDITIONAL FACTS AND DOCUMENTS, IA No. 66789/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 182803/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 66012/2017 - STAY APPLICATION)

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

(With appln.(s) for IA No. 16717/2020 - APPLICATION FOR PERMISSION, IA No. 58914/2019 - APPLICATION FOR PERMISSION, IA No. 65953/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 65956/2017 - PERMISSION TO BRING ON RECORD ADDITIONAL FACTS AND DOCUMENTS, IA No. 66786/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 65951/2017 - STAY APPLICATION)

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

(With appln.(s) for IA No. 69857/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 69863/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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

(With appln.(s) for FOR EX-PARTE STAY ON IA 71409/2017)

Date : 05-11-2020 These matters were called on for hearing today.

CORAM :

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

For Appellant(s)	Mr. Ninad Laud, Advocate Mr. Kush Chaturvedi, AOR Mr. Aditya Pratap Swain, Advocate Ms. Priyashree Sharma Ph, Advocate
CA 10794/2017	Mr. Aman Varma, AOR
CA 10795/2017	Mr. Subrat Birla, Adv. Mr. S. C. Birla, AOR
For Respondent(s)	Ms. Aishwarya Bhati, ASG Ms. Nivedita Nair, Adv. Ms. Suhasini Sen, Adv. Ms. Archana Pathak Dave, Adv. Mr. Gurmeet Singh Makker, AOR Mr. Colin Gonsalves, Sr. Adv. Ms. Anupradha Singh, Adv. Mr. Zaman Ali, Adv. Mr. Satya Mitra, AOR Mr. Kavin Gulati, Sr. Adv. Mr. Mukesh Verma, Adv. Mr. Yash Pal Dhingra, AOR Mr. Nishant Ramakantrao Katneshwarkar, AOR Mr. Saurabh Mishra, AOR Mr. Onkar Singh, Adv. Mr. Rakesh Chander, Adv. Ms. Neha Tripathi, Adv. Mr. Subrat Birla, Adv. Mr. S. C. Birla, AOR Mr. Shekhar Naphade, Sr. Adv. Mr. G. Pal, Adv. Ms. Shyamali Gadre, Adv. Mr. Soumik Ghosal, AOR Mr. Gaurav Singh, Adv. Mr. Rahul Chitnis, Adv. Mr. Sachin Patil, Adv. Mr. Geo Joseph, Adv.

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

- 1 A report has been submitted to this Court by the Central Pollution Control Board (CPCB) and National Environmental Engineering Research Institute (NEERI) in pursuance of the order dated 7 September 2020. The report contains an exhaustive analysis of the situation on the ground and the causes of water pollution. The report suggests concrete steps required for remedial measures. Though several projects have been set up and steps have been taken by diverse authorities and local bodies, incidents such as the one which led to this Court constituting the above Committee reflect a regulatory failure. The report is indicative of the fact that the collective deficit of regulatory authorities has allowed a sorry state of affairs to come to pass, where the right to a clean environment which is an integral feature of the right to life under Article 21 of the Constitution, is imperilled. The Ulhas and Waldhuni rivers continue to be polluted. Rather than this court dealing with a multitude of local bodies and statutory authorities, including MIDC, individually, the state government must be required to do so. Previous orders of this court have called upon the Chief Secretary and the Secretary in the Department of Environment to monitor compliance with environmental norms, fulfilment of targets and completion of projects. Insofar as this Court is concerned, the collective responsibility towards the

environment is that of the State of Maharashtra which must ensure due monitoring and compliance of all its authorities including local bodies and statutory authorities.

- 2 We accordingly direct that the Chief Secretary and the Secretary in the Department of Environment shall convene a meeting of all the local bodies and statutory authorities within the jurisdiction of the area comprising the CPCB-NEERI report. The representatives of CPCB - NEERI shall also be invited to participate in the meeting and to make a presentation based on the report. A concrete plan of action shall be presented before this Court for compliance with the recommendations which have been made by CPCB-NEERI. A joint affidavit be filed by the Chief Secretary and the Secretary in the Department of Environment. The Court will hear submissions on the next date of listing after this exercise has been completed at the threshold.
- 3 List the matter on 25 November at 2 pm.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master