

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)

(PART HEARD BY : HON'BLE ABHAY S. OKA AND HON'BLE UJJAL BHUYAN, JJ.)
[AT 2.00 P.M.]

(IA NO.66012/2017 - STAY APPLICATION, IA NO.66013/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA NO.66789/2017- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.19576/2018- EXEMPTION FROM FILING O.T. IA NO.182803/2019- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.53816/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA NO.111855/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA NO.125628/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.125629/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA NO.133836/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA NO.26892/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA NO.50096/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.50097/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA NO.101251/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.19148/2023 - APPLICATION FOR PERMISSION)

WITH

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

(IA NO.65951/2017 - STAY APPLICATION, IA NO.65953/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA NO.66786/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA NO.58914/2019 - APPLICATION FOR PERMISSION AND IA NO.16717/2020 - APPLICATION FOR PERMISSION)

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

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

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

(IA No. 71409/2017 - EX-PARTE STAY)

C.A. No. 4635/2022 (XVII)

(IA NO.89826/2022 - STAY APPLICATION, IA NO.89828/2022 - EXEMPTION

FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA NO.89830/2022 -
EXEMPTION FROM FILING O.T., IA NO.104338/2022 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES,
IA NO.127919/2022 - CONDONATION OF DELAY IN FILING THE SPARE COPIES
AND IA NO.150632/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 08-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Mr. Sudhanshu Choudhary, Sr. Adv.
Mr. Ninad Laud, Adv.
Mr. Kush Chaturvedi, AOR
Ms. Prerna Priyadarshini, Adv.
Mr. Syed Faraz Alam, Adv.
Mr. Atharva Gaur, Adv.
Mr. Aayushman Aggarwal, Adv.
Mr. Ivo D'costa, Adv.

Mr. Aman Varma, AOR
Ms. Riya Wasade, Adv.

Mr. S.C. Birla, AOR

Ms. Madhvi Divan, Sr. Adv.
Mr. Vijay Aggarwal, Adv.
Ms. Anshula Grover, AOR
Mr. Vishesh Kalra, Adv.
L. Sithou, Adv.

For Respondent(s) Ms. Anitha Shenoy, Sr. Adv.
Mr. Zaman Ali, Adv.
Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.
Mr. D P Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.
Ms. Namrata Sarah Caleb, Adv.
Ms. Pariksha, Adv.

Mr. Yash Pal Dhingra, AOR

Mr. Satya Mitra, AOR

Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.

Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Archana Pathak Dave, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Raghav Sharma, Adv.
Mr. T.S. Sabarish, Adv.
Mr. Udai Khanna, Adv.

Mr. Saurabh Mishra, AOR
Mr. Shrimay Mishra, Adv.
Mr. Abhinav Pandey, Adv.
Mr. Nirbhaya S Tewari, Adv.
Mr. Rakesh Chnder, Adv.
Mr. Rakesh Chander, Adv.

Mr. S. C. Birla, AOR

Mr. Soumik Ghosal, AOR
Ms. Shyamali Gadre, Adv.
Mr. G Pal, Adv.
Mr. Gourav Singh, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Krishna Prakash Dubey, Adv.
Mr. G P Mahto, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Shashank Singh, AOR

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

1. We have perused the Report of the Committee constituted by the Government of Maharashtra in terms of the order dated 14th February, 2024 passed by this Court.

2. Today, we are examining a part of the Report of the Committee dealing with the Kalyan Dombivli Municipal Corporation. The learned counsel appearing for the Municipal Corporation has placed on record a response of the Municipal Corporation to the Report. The first issue is regarding the operation of 04 operational STPs (Sewage Treatment Plants). The total capacity of Chinchpada STP is 40 MLD. However, at present, it is able to treat quantity of only 23 MLD. There is no explanation offered by the Municipal Corporation to this scenario. We are told across the Bar that the STP has been in existence since 2015. Thus, the STP is functioning only to the extent of slightly more than half of its capacity.

3. Coming to Item No.21 regarding discharge of sewage into Waldhuni and Ulhas Rivers through the drains, the explanation offered by the Municipal Corporation is that grills have been fixed. However, that does not explain how discharge of sewage water into the rivers through the drains mentioned in Item No.21 of the Report can be stopped. There is something more serious about the Waldhuni River. It is stated that untreated sewage from 06 drains/nallahs is meeting with Waldhuni River. Again, the response of the Municipal Corporation tendered on record is far from being satisfactory.

4. About Item No.22 of the Report dealing with action taken, there is not even a statement that solid waste and C & D waste found dumped at many locations in the drains and Waldhuni River, have been cleared.

5. As regards compliance with Solid Waste Management Rules, 2016 (for short, "the 2016 Rules"), it is claimed by the Municipal Corporation that total generation of solid wastes in the city per day is 650 tonnes and the capacity of the treatment plants is 675 tonnes per day. We will need a very detailed report on compliance with the provisions of the 2016 Rules. We, therefore, direct the Committee constituted by the State Government to submit a very detailed report about the extent of compliance made by the Municipal Corporation with the 2016 Rules.

6. Another serious issue is of sewage generation which is 216 MLD. The Committee has stated that only 86 MLD sewage is being treated as of today. Though the Municipal Corporation has claimed that the treatment capacity of STPs set up by the Municipal Corporation is 149.5 MLD, the Municipal Corporation has not shown how the finding of the Committee that only 86 MLD sewage is being treated is erroneous. There are 07 STPs set up by the Municipal Corporation. The Report of the Committee states that STPs provided in the residential buildings have treatment capacity of 19.5 MLD. Thus, out of total generation of 216 MLD, what is treated is approximately 105.5 MLD. This creates serious environmental issues within the limits of the Municipal Corporation.

7. Another serious issue is about the septic tanks/soak pits. The Committee has stated that the possibility of overflow of primary treated sewage through septic tanks into nearby drains and rivers cannot be ruled out. The Committee has also stated that there is

no plan/information provided for septage treatment.

8. Thus, the Kalyan Dombivli Municipal Corporation has committed a gross default not only as regards compliance with the directions issued by the Tribunal under the impugned order, but with the provisions of the relevant Rules.

9. We have already directed the Committee constituted by the State Government to give a detailed report about the compliance with the 2016 Rules. We also direct the Committee to ascertain whether the STPs set up by the Kalyan Dombivli Municipal Corporation are in terms of the specifications provided in Item No.105 of the Schedule-I to the Environment (Protection) Rules, 1986.

10. Considering the fact that the Municipal Corporation appears to be a gross defaulter, we direct the Principal Secretary of the Urban Development Department of the Government of Maharashtra and the Principal Secretary of the Environment Department of the Government of Maharashtra, to immediately convene a meeting of the Commissioner/Administrator of the Kalyan Dombivli Municipal Corporation and other officials of the Municipal Corporation as well as the officials of various other bodies like State Pollution Control Board. The Secretaries of the aforesaid Departments will issue necessary directions to the Municipal Corporation to take immediate steps for making compliance with the provisions of law.

11. As far as the directions issued as aforesaid to the Committee constituted by the State Government is concerned, we grant them time of 02 months to submit a report to this Court.

12. We direct the Principal Secretary of the Urban Development Department to file his personal affidavit bringing on record the directions issued to the Municipal Corporation as regards compliances. It will not be out of place here to mention that under the Maharashtra Municipal Corporations Act, 1949, there are adequate provisions which empower the State Government to issue directions to the Municipal Corporation for performance of its statutory duties. If necessary, the State Government shall take recourse to the same.

13. Under the order dated 21st March, 2024, a direction was issued to the vigilance teams constituted by the State Government to submit a detailed report to the Court in terms of the said order.

14. List the Appeals on 9th July, 2024 at 2:00 p.m. to consider (i) the report of the vigilance teams in terms of the order dated 21st March, 2024; (ii) the report of the Committee constituted by the State Government submitted in terms of the order passed today; (iii) the affidavit of the Principal Secretary of the Urban Development Department filed in terms of this order; and (iv) the issue of compliance by the Ulhasnagar Municipal Corporation, Ambernath Municipal Council and Kulgaon-Badlapur Municipal Council. The said three Municipal Authorities shall file detailed affidavits dealing with the Report dated 25th April, 2024 of the Committee constituted by the State Government along with necessary documents. The personal affidavit of the Principal Secretary of the Urban Development Department shall be filed on or before 30th June, 2024. The copies of the affidavit shall be supplied to the parties.

C.A. No. 4635/2022

1. Our attention is invited to the Report dated 25th April, 2024 of the Committee constituted by the State Government dealing with the long-term and short-term measures for the upgradation of CETPs.
2. We direct the Maharashtra Industrial Development Corporation as well as the State Pollution Control Board to consider the observations of the Committee and respond to the same by filing affidavits within a period of two months from today.

**(ASHISH KONDLE)
COURT MASTER (SH)**

**(AVGV RAMU)
COURT MASTER (NSH)**