

ITEM NO.119

COURT NO.7

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)

IA No. 19148/2023 - APPLICATION FOR PERMISSION
 IA No. 53816/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 133836/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 50097/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 26892/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 125629/2020 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 111855/2020 - EXEMPTION FROM FILING AFFIDAVIT
 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. 101251/2022 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 182803/2019 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 50096/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 66789/2017 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 125628/2020 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES
 IA No. 66012/2017 - STAY APPLICATION)

WITH

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

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
 IA No. 65951/2017 - STAY APPLICATION)

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

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

**C.A. No. 4635/2022 (XVII)
(IA
FOR STAY APPLICATION ON IA 89826/2022
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
89828/2022
FOR EXEMPTION FROM FILING O.T. ON IA 89830/2022
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
104338/2022
FOR CONDONATION OF DELAY IN FILING THE SPARE COPIES ON IA
127919/2022
FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
150632/2022
IA No. 127919/2022 - CONDONATION OF DELAY IN FILING THE SPARE
COPIES
IA No. 89828/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 89830/2022 - EXEMPTION FROM FILING O.T.
IA No. 150632/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 104338/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 89826/2022 - STAY APPLICATION)**

Date : 14-02-2024 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. S. C. Birla, AOR
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 Mr. Aaditya Aniruddha Pande, AOR
 Mr. Bharat Bagla, Adv.
 Mr. Sourav Singh, Adv.
 Mr. Aditya Krishna, Adv.
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Mr. Saurabh Mishra, AOR
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 Mr. Shrimay Mishra, Adv.
 Mr. Abhishek Pandey, Adv.
 Mr. Nirbhaya S Tiwari, Adv.
 Ms. Priya Kaushik, Adv.

Mr. S. C. Birla, AOR

Mr. Dhruv Mehta, Sr. Adv.
 Mr. G. Pal, Adv.
 Mr. Soumik Ghosal, AOR
 Ms. Shyamali Gadre, Adv.
 Mr. Gaurav Singh, Adv.

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

We have perused the affidavit dated 09.02.2024 filed by the Principal Secretary of the Department of Environment and Climate Change, State of Maharashtra.

The affidavit is belatedly filed reporting purported compliance with the order dated 21.09.2023. The affidavit shows a very disturbing feature. Still there is a discharge of untreated sewage both in the Ulhas and Waldhuni rivers.

We are constraint to observe that the affidavit of compliance has been filed in a casual manner based on information given by various entities such as corporations/MIDC/Municipalities. There is no verification of the claim made by the various authorities of compliance. On page '4', it is mentioned that the vigilance team has been formed. The State must disclose who are the Members of the vigilance team and what are the duties entrusted to the vigilance team. It is the duty of the State to properly verify the correctness of the reports submitted by the various authorities claiming compliance. The State cannot be a silent spectator in this case where serious issues has been raised about environment.

The earlier order shows that involvement of experts from NEERI is mandatory. Therefore, while the State Government verifies the compliance reported by various authorities including the appellants, assistance of experts representing NEERI has to be taken as there are many technical aspects of compliance.

There are large number of orders passed by this Court from time to time. We are putting all the concerned authorities including the State Government to the notice that all the directions issued by this Court as well as the directions issued under the impugned order have to be complied with scrupulously. We, therefore, direct the appellants and all the concerned authorities like MIDC to file fresh compliance reports with the Department of Environment and Climate Change of the Government of Maharashtra within a period of one month from today.

The State will ensure that a team of various officers including representatives of NEERI, officers of both the State and Central Pollution Control Board is constituted to look into the claims made by the various authorities of compliance. Only thereafter, the State shall file a proper compliance affidavit giving all the details alongwith the documents. As we are granting one month's time to the authorities to file compliance reports with the State Counsel, we grant further time of two months to the State to file compliance affidavits. Therefore, we direct the State to file compliance affidavit on or before 22.04.2024.

As regards the constitution of vigilance teams, the State will file a specific affidavit within a period of one month from today And will set out the work done by vigilance team so far and the details of the task entrusted to the vigilance team.

For considering the affidavit filed by the State regarding the vigilance team, the appeals shall be listed on 21.03.2024 at 02:00 P.M.

For considering the larger compliance, the appeals shall be listed on 02.05.2024 at 02:00 P.M. The State Government will ensure that copies of the compliance affidavits are provided to all the parties to the appeals by 24.04.2024.

(POOJA SHARMA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)