

ITEM NO.25

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 direction, exemption from filing c/c of the impugned judgment, permission to bring on record additional facts and documents, stay, exemption from filing O.T., appropriate orders/directions and permission to file additional documents/facts /Annexures)

Date : 07-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mr. S. C. Birla, AOR

Mr. Anjuman Tripathy, Adv.
Mr. Aman Varma, AOR

Mr. Kush Chaturvedi, AOR

For Respondent(s)

Ms. Aishwarya Bhati, ASG
Mr. Gurmeet Singh Makker, AOR
Ms. Suhasini Sen, Adv.
Ms. Nivedita Nair, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Ms. Anupradha Singh, Adv.
Mr. Zaman Ali, Adv.
Mr. Satya Mitra, AOR

Mr. Kavın Gulati, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Saurabh Mishra, AOR

Mr. S. C. Birla, AOR

Ms. Shyamali Gadre, Adv.

Mr. G. Pal, Adv.

Mr. Soumik Ghosal, AOR

Mr. Gaurav Singh, Adv.

Mr. Saurabh Mishra, Adv.

Mr. Onkar Singh, Adv.

Mr. Rakesh Chander, Adv.

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

IA No 53816 of 2020

- 1 The interlocutory application has been instituted by the first respondent, Vanashakti Public Trust, which has complained of the pollution which has been caused in the Ulhas and Waldhuni rivers during the period of the lock down as a result of the discharge of untreated effluents by polluting industries.
- 2 In 2019, the above rivers were severely polluted with industrial effluents discharged by industrial units engaged in the activity of washing jeans - fabric. To remedy the situation, orders were passed by this Court on 14 November 2017 and 14 December 2017. On 5 February 2020, a comprehensive order was passed by this Court laying down time-lines for the completion of work regarding construction of Sewage Treatment Plants and for restoration of the area.
- 3 The first respondent has submitted that immediately on noticing the pollution in the Ulhas and Waldhuni rivers caused in particular by industries located in Ulhasnagar and Ambernath, a representation was submitted by an email dated 23 March 2020 to the Maharashtra Pollution Control Board

(MPCB), Principal Secretary, Environment and Collector, Thane, together with photographs. The Central Pollution Control Board (CPCB) took cognizance of the complaint and communicated with the first respondent on 22 April 2020. CPCB issued a direction to MPCB to take into account the evidence produced by the first respondent and to take action on the ground. The first respondent thereafter submitted another representation on 17 May 2020. Finding that no action had been taken, CPCB sent an email on 20 May 2020. The grievance is that no action has been taken despite the first respondent having submitted another representation on 6 June 2020 highlighting the grievance.

- 4 Mr Colin Gonsalves, learned senior counsel appearing on behalf of the first respondent submits that a serious situation has arisen from the discharge of untreated effluents in Ulhas and Waldhuni rivers. By the interlocutory application, a request has been made to this Court, to direct CPCB and National Environmental Engineering Research Institute (NEERI) to inspect the above rivers, identify the units causing pollution and to affix responsibility and to direct the State of Maharashtra and the municipal corporations concerned to eliminate the causes of pollution.
- 5 Mr Kavin Gulati, learned senior counsel appearing on behalf of MPCB states that on receipt of the complaint, the Board initiated remedial steps. On 25 May 2020, action was directed to be taken against the defaulting units and on 15 June 2020 action was directed to be taken against the operator of the common effluent treatment plant.
- 6 The material which has been produced on record demonstrates that the situation warrants urgent and immediate remedial steps. There has been a failure of statutory bodies to discharge their responsibilities under the law. We direct CPCB and the NEERI to (i) inspect the Ulhas and Waldhuni rivers; (ii) identify the units causing pollution; and (iii) formulate recommendations in regard to the steps required to be taken by the concerned municipal corporations, regulatory bodies and units to remedy the situation. MPCB, the Department of Environment of the State of Maharashtra and all the

concerned municipal corporations including the Municipal Corporations, or Councils as the case may be, of Ulhasnagar, Kalyan Dombivali, Kulgaon - Badlapur and Ambarnath shall cooperate with the team of Commissioners appointed by this Court. The report shall be submitted within a period of three weeks from today. MPCB and the Department of Environment of the State of Maharashtra shall depute a team of officials to assist the Commissioners appointed by the court in the above terms. MPCB and the Department of Environment shall also immediately take remedial steps, including action against the defaulting units without waiting for the report of the Commissioners or for further directions of this Court. Logistical arrangements for the site visits, transportation and other incidental requirements of the team appointed by this court shall be made by MPCB and the Department of Environment. Costs, charges and expenses shall presently be borne by MPCB.

- 7 The Chief Engineer MIDC shall file a report in compliance with the previous order within a period of two weeks from today. The compliance report of MIDC and the report filed by MPCB shall be taken up on the next date. The court will also review whether compliance has been made of the time-lines set out in the previous order for the completion and commissioning of projects.
- 8 List on 7 October 2020.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER