

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

**Application No. 64/2016 (WZ)**  
**Akhil Bhartiya Mangala Samaj & Ors. V/s MPCB & Ors**

**CORAM: HON'BLE DR JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

<b>Present:</b>	<b>Applicant/Appellant</b>	<b>:</b>	<b>Ms. Gayatri Singh Adv a/w Meenaz Kakalia Adv</b>
	<b>Respondent No. 1</b>	<b>:</b>	<b>Mr. Manasi Joshi Adv</b>
	<b>Respondent No. 2</b>	<b>:</b>	<b>Shyaali Gadre Adv a/w Mr. Ankit Kulkarni Adv Ms. Dakshaja Yeolekar Adv i/b Little Co.</b>
	<b>Respondent No. 3</b>	<b>:</b>	<b>Mr. Amit A. Agashe Adv</b>
	<b>Respondent No. 6</b>	<b>:</b>	<b>Mr. Rahul Andhale, Adv.</b>

Date and Remarks	Orders of the Tribunal
<p>Item No. 9 September 9, 2016 Order No.5</p>	<p>This case is for final hearing, in terms of our order dated 22<sup>nd</sup> August, 2016. However, considering schedule of work of the Tribunal it is not possible to take up final hearing today. However, at the request of learned Counsel for the Applicant, we have to grant interim relief. We have also heard Respondents as well.</p> <p>Amongst several other issues raised by the Applicant, a core contention is that Central Effluent Treatment Plant (CETP), which is being run by 3<sup>rd</sup> Respondent namely; Tarapur Environment Protection Society (TEPS) is not functioning to its optimum capacity as a consequence of which much of the effluent generation of the industries is flowing into the Arabian Sea and nearby creeks and Nullahs, resulting in several adverse impact on the health of people living and environment.</p> <p>Learned Counsel Ms. Gayatri Singh would contend that present CETP is built to deal with 20-25MLD of effluent, whereas there is more flow of effluent into CETP which virtually is now polluting entire area in improper way and impact of discharge of untreated industrial effluent into the Arabian Sea and local Nullah and creeks, according her has created an alarming situation calling for immediate order against CETP. She would add to submit the CETP actually not functioning to its optimum capacity of 25MLD as there are many leakages and damage to the pipes. Secondly, prayer is for directing fact finding with regard to generation of effluent and its treatment in the area and to ensure protection to environment, besides safeguarding the interest of Applicants and the aquatic life.</p> <p>Responding to submissions, learned Counsel for 3<sup>rd</sup> Respondent TEPS, would contend though Respondents may admit that effluent is of</p>
<p>Item No. 9 September 9, 2016</p>	

<p><b>Order No.5</b></p>	<p>excess to its treatment capacity, the 3<sup>rd</sup> Respondent has taken further plea to upgrade costs to acquire 50MLD. In this regard 65% construction is complete. He would submit that taking into consideration factual and other aspects 3<sup>rd</sup> Respondent would submit the CETP will be capable in dealing with capacity of 50MLD upto February, 2017. This will be first-phase and no doubt the other phase will be implemented.</p> <p>Maharashtra Pollution Control Board (MPCB) has submitted its report to the Tribunal, which shows that ETPs and CETP outlet result for the year 2015-2016, which is indicative of the fact that after discharge effluent released is not as per the standard prescribed. Further, as per MPCBs report about 35-40MLD effluent is pumped by MIDC into the sea.</p> <p>Central Pollution Control Board (CPCB)'s affidavit is also in similar line. This has not been controverted by the Respondent No.3. We have no hesitation in concluding that CETP run by 3<sup>rd</sup> Respondent is not functioning of required capacity. Consequently, even if effluent is treated, treatment is not as per standard. This undoubtedly will have bearing on environment. Intending parties of directing establishment of CETP and treatment of effluent is being shown that effluent is not treated to meet the standard. If CETP of 3<sup>rd</sup> Respondent is shown to be not meeting required standard, which undoubtedly leads to a conclusion that even treated effluent is not safe and directly to impact adversely on environment and life of the people. In short, it will suffice to record that the CETP of 3<sup>rd</sup> Respondent is not satisfactory and there is no substantive action by MPCB to control the pollution. This leads us to decide as to what interim order would be required.</p> <p>We are satisfied that to the extent possible adverse impact could be diverted restraining industries from generating effluent, which will be within treatment capacity of CETP of 3<sup>rd</sup> Respondent i.e. of 25MLD and therefore issue following directions:</p> <ol style="list-style-type: none"> <li>1. The 3<sup>rd</sup> Respondent is directed to ensure forthwith treatment of effluent is its parameter and standards prescribed and effluent of treatment should be safe and in terms of standards fixed.</li> <li>2. MPCB is further directed to ensure that it grants no fresh consent to establish or expansion of any of the industries in that area till further orders from this Tribunal.</li> <li>3. The CEO, Zilla Parishad, district Palghar, is directed to constitute a Committee comprising of District Health Officer, Tehsildar and officials from department of Women and Child Welfare and Fisheries to inspect the area of Tarapur and surrounding for fact finding about adverse impact on environment and the health of local</li> </ol>
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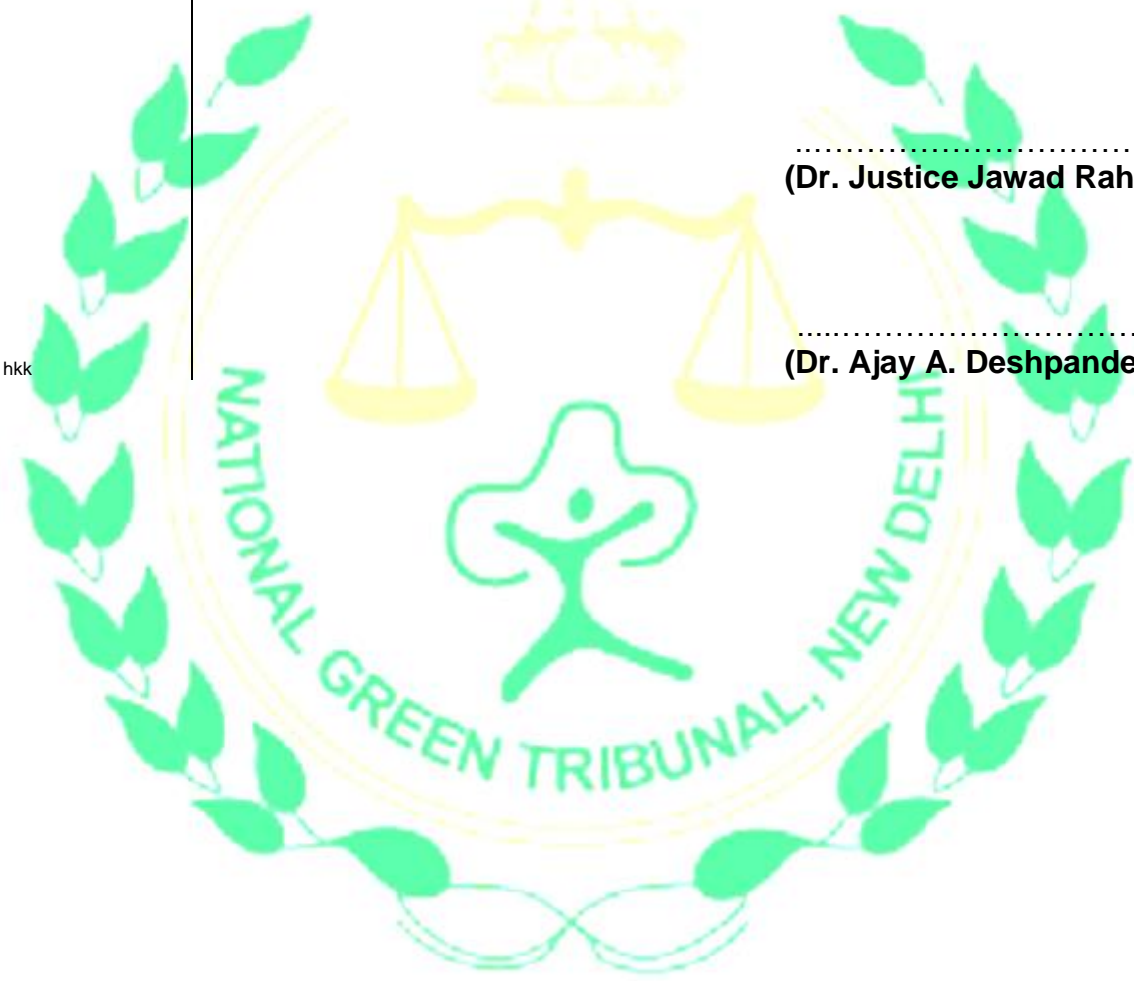
residents. After assessment of adverse impact the CEO shall ensure proper health medical facilities made available to the residents.

- 4. The Deputy Collector of the jurisdiction shall ensure compliance of this order by all concerned indicated herein.
- 5. All the industries in Tarapur areas are directed to reduce generation of effluent waste from whatever present generation is by 40%.
- 6. MPCB and MIDC must ensure that waste generated by industries is reduced by 40% as indicated in the above directions.
- 7. There shall be no discharge of effluent in other areas except in designated locations. If any industry is found doing so, MPCB is directed to take strict action forth with as is permissible in law.

**List it on 31<sup>st</sup> October, 2016 for further hearing.**

....., JM  
(Dr. Justice Jawad Rahim)

....., EM  
(Dr. Ajay A. Deshpande)



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