

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 17 OF 2011

Nicholas H. Almeida

vs

State of Maharashtra & ors.

.... Petitioner

.... Respondents

Mr. G. R. Joshi with Mr. Vishal Kanade and Kaushika Muthukumar i/by
M/s. RMG Law Associates for the petitioner.

Mr. J. S. Saluja, AGP for respondent No.1.

Mr. Prashant Chavan with Shymali Gadre i/by M/s. Little & Co. for
Respondent No.2.

Mr. Nitin Deshpande with Ms. Rachana Chavan for Respondent No.3.

Dr. Sharma with Mrs. Madhubala Kajle for Respondent No.4.

Dr. Sadhana Mahashabde with Reshma Nair, Jasmin Shah, Sunita
Pendharkar for Respondent No.13 RIA Roha CETP and for Respondent Nos.
6, 9, 10 and 12.

Dr. Birendra Saraf with Mr. Rohan Sawant, Mr. Sai Chhabria, Mr. Vineet
Unnikrishnan i/by Federal & Rashmikant for Respondent No.8.

Dr. Virendra Tulzapurkar, Senior Advocate with Mr. Shailesh Shukla, Ms.
Suruchi Rungta i/by AZB & Partners for the applicant in NMWL/533/2012
in PIL/17/2011.

Mr. Hitesh C. Dabhi for Intervenor.

Mr. Mahendra Singh with Mr. S. Arora for TIMA.

**CORAM: MOHIT S. SHAH, C.J.
AND ANOOP V. MOHTA, J.**

DATE : January 24, 2013

P.C.:

CETP for industries in MIDC Tarapore is presently in a position
to deal with the average daily load of 25 MLD, whereas the actual quantity
being received by CETP is in the region of about 45 MLD.

The learned counsel for the parties state that since out of more than 1000 units in Tarapore MIDC area, there are 80 large scale and medium scale industrial units. There are 46 large scale units which have their own effluent treatment plants, it is necessary to decide whether their treated effluent should or should not go into CETP.

2 In view of the above, a Committee comprising

- i) Executive Chief Officer (Environment) of MIDC,
- ii) nominee of MPCB not below the rank of Head of Department and
- iii) member of the Association running the CETP

is constituted. The Committee to submit a report to MIDC and MPCB indicating which large scale and/or medium scale units should discharge their treated effluent into CETP or into some other place to be authorized by MPCB as a discharge area for such units. The Committee will submit its report within four weeks.

3 The learned counsel for MIDC tenders affidavit of Deputy Engineer of MIDC regarding the industries in MIDC, Tarapore. The affidavit is taken on record.

The learned counsel for MIDC states that tenders for augmenting the holding capacity of sump no.1 by 3000 CUM will be invited within one month.

4 As regards the regulation of the quantity of water being supplied to individual industrial units, the learned counsel for MIDC states that there are a number of industrial units which take more water than what would be required by them as per the consent letters issued by MPCB. It is submitted that MIDC has no other mechanism to stop supply of excess water to such individual industrial units.

After discussion on this issue, learned counsel for MIDC states that MIDC will consider levying the water charges at higher rates for the quantity in excess of the quantity required as per the MPCB consent letters to the concerned individual industrial units.

We record this statement and direct MIDC to issue necessary Circular within three weeks from today.

5 After considering the rival submissions, we also direct the MIDC to consider the representation dated 12 September, 2012 of the Association of Industries in Tarapore area as expeditiously as possible and preferably within one month.

6 Learned counsel for Association running the CETPs in Tarapore MIDC area states that the directions by MPCB, as set out in the affidavit of the MPCB dated 19 January 2013 are being complied with, as indicated in the affidavit filed on behalf of the Association on 24 January, 2013.

7 Learned counsel for MPCB states that the MPCB has entrusted NEERI with the task of suggesting remedial measures for improving the performance of CETPs.

8 The affidavits being filed by the Member Secretary of MPCB apart from indicating the instructions given by MPCB to the Associations running CETPs and bringing out the issues which MIDC is required to deal with show that MPCB has now started playing the pro-active role as expected. MPCB is required not only to monitor implementation of laws for prevention and treatment of pollution, but also to coordinate with other authorities and to act as a facilitator to help the Associations of Industries and their CETPs in achieving the norms under the relevant laws and becoming socially responsible and responsive industries.

9 The office bearers of the Association running CETP in Mahad and the Association running CETP in Tarapore state that they are taking necessary steps for preparing the data bank to be set up for which industrial units in different MIDC area will be submitting particulars indicating the raw materials being used by them and the nature of the treated/semi-treated effluents being discharged by them into CETPs or in other authorized discharge areas.

Stand over to 28 February, 2013.

CHIEF JUSTICE

(ANOOP V. MOHTA, J.)