

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
PUBLIC INTEREST LITIGATION NO.17 OF 2011**

Nicholas H. Almeida ..Petitioner  
Versus  
State of Maharashtra & Ors. ....Respondents.  
And  
Shree Hari Chemicals Export Limited ....Applicant

Mr. A.V. Anturkar with Mr. Sugandh B. Deshmukh for the Applicant.

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

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

Mr. Vishal Kanade with Kaushika Muthukumar i/b. RMG Law Associates for the petitioner.

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

Dr. Sadhana Mahashabde for respondent No.6.

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

**DATE : 07 February 2013**

P.C.

ORDER FOR CETP IN MAHAD AND GENERAL DIRECTIONS

Affidavit dated 6 February 2013 of the Regional Officer (HQ) and Incharge Joint Director (Water Pollution Control) of the MPCB indicates that the performance of CETP Mahad in MIDC, Mahad has been improving. Though the maximum parameters of COD and suspended solids of the treated effluents being discharged by CETP are not within the permissible norms, there is improvement and the learned counsel for the CETP Mahad states that the average of the parameters of BOD and COD have come within the permissible limites. The Co-operative Society running the CETP Mahad shall continue its endeavaour for improving the performance of the CETP. It is stated that the CETP has started Tertiary Treatment Units and, therefore, also the performance of the CETP is going to improve.

2. As regards the CETP treatability study, the CETP Co-operative Society has invited quotations for selection of a suitable agency and the selection of the suitable agency will be done by 28 February 2013.

3. Learned counsel for the CETP, Mahad states that out of 22 industries 19 industries have already provided for the storage tanks and the other three will be provided the storage tank by 15 March 2013.

4. The affidavit dated 24 January 2013 of Mr. Chandrashekhar Kulwe, Deputy Engineer of MIDC states, inter alia, as under:-

“The existing pipelines are good enough and therefore presently not necessary to be replaced entirely by new ones. The Corporation has already taken up the work of replacement of 424 mm pipeline where there is probability of breakdown. This work shall be completed by end of April 2013. Presently effluent generation is below 5000 m<sup>3</sup> per day, however carrying capacity of present effluent system is upto 15000-20000 m<sup>3</sup> per day. The Corporation shall certainly lay more capacity pipelines if needed if MMA produces realistic authentic information of future generation of effluent due to industrial expansion and from upcoming industries.”

5. Learned counsel for MIDC submits that the cost of changing the pipeline will be about Rs.60 crores at the rate of Rs.3 crores per Km. It is submitted that since the existing pipelines have sufficient carrying capacity as indicated above, there is no need to lay any additional pipeline particularly when the life of the pipeline is 50 years and the existing pipelines were laid between the years 1988 and 2000.

6. The learned counsel for CETP Mahad submits that since there is only one pipeline carrying the treated effluents from CETP, in case of break down, the industries are required to close down their operations and, therefore, another pipeline should also be laid.

7. Learned counsel for MIDC further states that MIDC has made necessary arrangement for attending to break down of internal pipelines within the MIDC area by awarding annual maintenance contracts to competent agency. Learned counsel further states that the external pipeline is maintained by the dedicated staff of MIDC.

8. Learned counsel for MIDC also invites our attention to the following averments in para 5 of the affidavit:-

“5) I say and submit that the Executive Engineer of the Regional office of the Corporation at Mahad has written to the Scientist In charge at the National Institute of Oceanography (NIO) about the orders of the Hon'ble Court and requested the concerned scientist to inform the convenient day and time so that a meeting can be arrange at the Head quarters of the Corporation for reviewing the necessity of extension of effluent pipe line upto Ambet.”

The learned counsel for MIDC states that in view of the improvement of the performance of the CETP, the earlier proposal of extension of effluent pipeline upto Ambet is being renewed and further progress report will be placed on record on the next date of hearing in consultation with the National Institute of Oceanography.

9. This Court has been making it clear to the respondent authorities and all concerned that monitoring by the Court cannot be for all times to come and ultimately the authorities should monitor the performance of the effluent treatment system of individual units as well as CETP Co-operative Society running the CETP and for that purpose a Co-ordination Committee and Sub committee may be appointed, where public spirited NGOs may also be associated.

10. Mr. Nitin Deshpande, learned counsel for MPCB states that for MIDC, Mahad area there is a Committee appointed by Circular dated 7<sup>th</sup> January 2013 consisting of the following:-

1. The Sub Divisional Magistrate, Mahad, District Raigad-Chairman.
2. The Tahsildar, Mahad, District Raigad – Member
3. The Executive Engineer, MIDC, Mahad, District Raigad, Member.
4. The Chairman, Mahad Manufacturers Association (MMA) Mahad – Member
5. The Chairman MMA CETP, Mahad – Member
6. Smt. Ashwini Arvind Gharatkar, Local Management Committee – Member – Local Member.
7. Dr. Sudhir Patwardhan, Mahad – Local Member.
8. Shri Madhav Bagade, Deputy Chairman, Anti Pollution Divisional Committee – Local Member
9. Shri Sandeep Kap – Ovale Village Development Board, Ovale, Taluka Mahad, Local Member
10. The Inspector of Police, MIDC Police Station, Mahad. - Invitee
11. Fisheries Development Officer, Mahad/Shrivardhan
12. The Taluka Agricultural Officer, Mahad – Invitee
13. The Taluka Health Officer, Mahad – Invitee.
14. Deputy Regional Officer, Maharashtra Pollution Control Board, Mahad, Member Secretary.

11. Learned counsel for MPCB states that since the Committee consists of about 14 members, MPCB will also consider constituting a Sub Committee of the following members to ensure that the Sub Committee can meet more frequently for suggesting necessary steps to be taken by the Coordination Committee:-

1. The Chairman, Mahad Manufacturers Association (MMA)  
Mahad – Member
2. The Chairman MMA CETP, Mahad – Member
3. Dr. Sudhir Patwardhan, Mahad – Local Member.
4. Deputy Regional Officer, Maharashtra Pollution Control Board, Mahad, Member Secretary.

The learned counsel for MPCB states that this model will be replicated for all other Industrial areas in the State of Maharashtra.

12. It appears to the Court that for coordinating the efforts of all the industrial areas the State Government shall appoint a State level Coordination Committee where representatives of all the official agencies as well as Industries Associations and some N.G.Os. with high credentials and not having any political affiliation may be associated.

13. A State level Committee consisting of the Chief Secretary, Secretary, Environment and Forest Department and the Secretary, Industries Department of the State Government shall be constituted to determine who should be members of the State level Coordination Committee.

14. Mr. Deshpande, learned counsel for MPCB submits that considering that there are as many as 8 large MIDC areas having CETPs, which are being monitored in these proceedings every Thursday, in order to enable MPCB officials to take the necessary steps for more effective monitoring at the site, instead of having the hearing of this PIL every Thursday, the hearing may be fixed on every alternate Thursday.

15. Accordingly, now on 28 February 2013 the performance of CETPs in five MIDC areas of Mahad, Lote Parshuram, Chincholi, Badlapur and Roha, will be considered and the performance of the CETPs in the other three MIDC areas i.e. Moriwali, Tarapur and Chikoli will be considered on 14 March 2013. Thereafter, again on 28 March 2013, the performance of the above 5 CETPs will be reviewed.

16. Thus, this PIL shall now be listed on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday every month.

17. Stand over to 28 February 2013.

**CHIEF JUSTICE**

**ANOOP V. MOHTA, J.**