

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

PUBLIC INTEREST LITIGATION NO. 176 OF 2012

Mr. Rajesh Madhukar Pandit and others

... Petitioners

V/s.

The Nashik Municipal Corporation and others

... Respondents

Mr. Pravartak S. Pathak, Advocate for the petitioners.

Mr. M.L. Patil, Advocate for the Respondent Nos.1 and 2.

Mr. R.B. Raghuwanshi i/by Ms. Rutuja Ambekar, Advocate for Respondent No.3.

Mr. A.B. Vagyani, A.G.P., for Respondent – State.

CORAM : A.S. OKA & NM. JAMDAR, JJ

DATE : 6th MAY, 2013

PC.:

1. Leave to amend the cause title.

2. In terms of the directions issued by this Court on earlier date, Dr. Rakesh Kumar, Chief Scientist and Head, CSIR – NEERI (National Environmental Engineering Research Institute), Mumbai Zonal Lab, Mumbai is personally present in the Court. He has tendered a project proposal for Studies of Rejuvenation of River Godavari and Integrated Action Plan for improvement of Environmental status for Nashik Region.

3. We have perused the project proposal.

4. Considering the magnitude of problem, we are of the view that by accepting the project proposal submitted by NEERI, a direction needs to be issued of appointing NEERI to complete the study and submit reports as provided in clause 7.0 of the project proposal. The only modification which we propose to make is of directing NEERI to submit a preliminary report in June, 2013 containing the recommendations as regards the immediate measures which are required to be taken.

5. The learned counsel appearing for the Municipal Corporation states that it will not be possible for the Municipal Corporation to bear the cost of the project. The project cost as stated in the project proposal is Rs.80 lacs plus sales tax. His submission is that a notice be issued to Respondent No.4 (Union of India). He submits that the cost will have to be shared by the Government of India and the State of Maharashtra.

6. We have also perused the affidavit of Shri Shivkumar Ramchandra Vanjari filed on behalf of the Nashik Municipal Corporation recording the steps taken in terms of order passed by this Court on 18th April, 2013. The learned A.G.P has produced for perusal of the Court, a report dated 5th April, 2013 submitted by Shri Sahebrao Patil, Deputy Commissioner, Zone-1, Nashik, who is personally present. It is stated in the report that 57 cases have been instituted under the Bombay Police Act, 1951.

7. The learned counsel appearing for the petitioners submitted that the stretch of Godavari River from its origin to Gangapur Dam is classified as A-I Class and from Gangapur Dam to Paithan it is classified as A-II Class. He urged that an effort should be made to ensure that the standards prescribed for A-II Class are maintained.

8. The learned counsel appearing for the Municipal Corporation has tendered across the bar a list containing the names of the Schools/Colleges and NGO's which are ready to help for the Awareness Campaign. The said list is taken on record and marked "A" for identification.

9. Issue notice to the Respondent No.4, returnable on 21st June, 2013. Apart from other aspects, the notice is issued in view of the submission of the learned counsel appearing for the Municipal Corporation that substantial contribution will have to be made by the Government of India for payment of cost of the project to NEERI. The advocate for the petitioners shall serve private notice to the Respondent No.4 along with an authenticated copy of this order to enable the Respondent No.4 to make appropriate statement before this Court on the next date.

10. We also direct the learned A.G.P to take instructions on the aspect of the contribution which can be made by the State Government.

11. Project proposal tendered across the bar by Dr. Rakesh Kumar is taken on record and marked "B" for identification.

12. We accept the project proposal and we hereby appoint the National Environmental Engineering Research Institute (NEERI) to make Studies on Rejuvenation of River Godavari and Integrated Action Plan for improvement of Environmental status for Nashik Region and to submit a report as specified in the project proposal.

13. We direct NEERI to submit a preliminary report on the steps which are immediately required to be taken by the authorities. The said preliminary report shall be submitted to this Court on or before 20th June, 2013. After the report is submitted, copies thereof be made available to the advocates appearing for the parties. For the time being, we direct the first respondent Corporation to pay a sum of Rs.15 lacs to NEERI. The said amount shall be paid by the Municipal Corporation to NEERI within a period of three weeks from today.

14. We direct the Municipal Corporation to take help of the Schools/Colleges/ NGO's for starting Awareness Campaign as there is a need to make the members of the public aware that the stretch of river near Nashik City has become highly polluted and there is a need to stop

further pollution. Compliance affidavit in that behalf shall be filed on or before next date.

15. We permit the parties to take photocopies of the project proposal submitted by NEERI.

16. All concerned including NEERI to act upon an authenticated copy of this order.

17. We direct the State Government, the Police Authorities as well as the first respondent Municipal Corporation to extend all possible co-operation and assistance to NEERI to enable the NEERI to complete the project.

(NM. JAMDAR, J)

(A.S.OKA, J)