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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.176 OF 2012

Mr. Rajesh Madhukar Pandit ... Petitioner
Vs.

The Nashik Municipal Corporation & Ors. ... Respondents

Mr. Pravartak S. Pathak for the Petitioner.

Mr. A.B. Vagyani, Government Pleader a/w Ms. Aparna D. Vhatkar, AGP for the Respondent No.5.

Mrs. Manish Jagtap i/by Mr. M.L. Patil for the Respondent Nos.1 and 2.

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

Ms. Shyamli Gadre i/by M/s. Little & Co. for the Respondent No.6.

Ms. Krishna Raja i/by L.J. Law for the Respondent No.8.

Mr. N.R. Prajapati and Mr. D.A. Nalawade for the UOI.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 21st APRIL, 2017

PC.

1 The learned counsel appearing for the petitioner has tendered across the Bar another report submitted by the National Environmental Engineering Research Institute (NEERI) in March, 2017 to the Committee headed by the Divisional Commissioner. This report is similar to the immediately earlier report submitted by the NEERI which indicates that some of the directions issued by this Court are not being implemented. Therefore, it will be appropriate if hearing is conducted

in presence of the members of the Committee headed by the Divisional Commissioner, Scientists and representatives of NEERI, Senior Officers of the other stakeholders. Hearing could be conveniently conducted in the conference room on the fourth floor of the Annex Building of the High Court. For the purposes of fixing the date of hearing, this Petition will appear on 6th June, 2017 for “Directions”.

2 In terms of the order passed on the last date, Shri Satish M. Gavai, Additional Chief Secretary of the Environment Department has filed an affidavit which is tendered across the Bar today. Earlier order records the stand of the State Government that it was not in a position to spare any money for project or rejuvenation of river Godavari. The affidavit tendered today shows that the State Government seems to have changed its stand. In paragraph 3 of the affidavit, it is stated that Urban Development Department has made a provision for a sum of Rs.103.79 Crores for meeting cost of development of STPs at Gangapur and Pimpalgaon Khamb. It is further stated that Nashik Municipal Corporation has submitted a proposal for sanction of a sum of Rs.521 Crores. It is stated that an amount of Rs.220.05 Crores for core components to reduce the river pollution is being made available from AMRUT and Smart City Mission. In paragraph 4, it is stated that the component of Godavari ghat restoration, ghat areas beautification and

river cleaning costing approximately Rs.116.26 Crores will be implemented under the Smart City Plan of Nashik Municipal Corporation. The State Government needs to clarify its stand as regards statement made in paragraph 4. It is not clear whether the amount of Rs.116.26 Crores will be released for the project or whether the work will be carried out under the Smart City Plan of Nashik Municipal Corporation. The State Government will file an affidavit clarifying the position before the next date.

3 There is an affidavit filed by the Maharashtra Pollution Control Board dated 18th April, 2017 which clarifies the statements made in the earlier affidavit and which sets out action taken by the said Board.

4 As regards CETP at Ambad, Shri D.B. Uikey, Executive Engineer of the Maharashtra Industrial Development Corporation has filed an affidavit dated 17th April, 2017. It is stated therein that Metal Finishers Association (MFA) to whom the plot is allotted for setting up CETP have undertaken to ensure that CETP commences operation from March, 2018. In paragraph 17, a statement has been made by the MIDC that the undertaking given by the MFA to keep CETP ready for operation by March, 2018 shall be considered as an undertaking of the

MIDC. It is further stated that if MFA does not comply with the time line, the MIDC shall take all reasonable steps to set up CETP, either themselves or through an agency on the said plot. We accept the statements made in paragraph 17 as the undertakings of the MIDC.

5 Place the PIL on 6th June, 2017 under the caption of “Directions”.

(A.K. MENON, J)

(A.S. OKA, J)

