

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION NO.119/2015(WZ)**

CORAM:

**Hon'ble Shri Justice V.R. Kingaonkar
(Judicial Member)**

**Hon'ble Dr. Ajay A. Deshpande
(Expert Member)**

B E T W E E N:

- 1. Sarang Yadwadkar,**
Age 56 Yrs. Occn : Architect,
R/at. A-9, Pradnyangad Apartments,
S.No.119/3, Behind Navashya Maruti,
Sinhagad Road, Pune 411 030
- 2. Miss. Shivani Dhananjay Kulkarni,**
Age 23 yrs. Occ : Legal Practitioner,
At Flat No.1, Prathamesh CHS,
Prabhat Road, Lane No.5,
Pune 41 004.

.....Applicants

A N D

- 1. The District Collector,**
Collectorate Campus,
Pune 411 001
- 2. The Water Resource Department**
(Irrigation Department)
Principal Secretary, WRP & D.
Address “: Water Resources
Department, Mantralaya Main Building,
3rd floor, Madam Cama Road, Hutatma
Rajguru chowk, Mantralaya,

Mumbai 400 032
Through : Chief Engineer,
Khadakwasala Irrigation Divn.
Sinchan Bhavan, Barne Road,
Mangalwar Peth, Pune 411 011.

3. The Commissioner,

Pune Municipal Corporation,
PMC Building, Shivajinagar,
Pune 411005.

4. The State of Maharashtra,

Through : The Ministry of Environment
And Forest, Mantralaya,
Mumbai 400 032.

5. Maharashtra Pollution Control Board,

Through the Regional Officer,
Pune,
Jog Centre, 3rd floor,
Mumbai -Pune Road,
Wakadewadi, Pune 411 003

6. The Commissioner of Police,

Commissionerate office,
Pune 411 001.

.....Respondents

Counsel for Applicants

Mr. Asim Sarode, Adv.

Shivani Kulkarni, Adv.

Mr. Pratap Vitankar and Mrunilini Shinde, Adv.

Counsel for Respondent No.1 :

Smt. Ujawala Pawar, Adv.

Counsel for Respondent No.2 :

Mrs. Supriya Dangare, Adv.

Mr. D.D. Shinde, Adv.

Counsel for Respondent No.3:

Mr. P.S. Suryavanshi, Adv.

Date: September 24th, 2015

ORAL JUDGMENT

1. Heard learned Advocates of the parties.
2. The Application is filed by Environmentalists/Social Workers to espouse cause of environmental degradation due to abuse of excessive release of potable water from Dam for purpose of immersion of Ganesh idol during ensuing day of immersion which is likely to cause water pollution in the riverine bodies.
3. Briefly stated, the Applicants' case is that PMC (Pune Municipal Corporation) is responsible to monitor immersion process of Ganesh idol by providing artificial/temporary ponds, to devotees, in order to avoid wastage of drinking water inasmuch as there is water scarcity in the city. The Applicants also apprehend that Collector, Pune is likely to take decision as reported in newspaper items to release water from Khadakwasla Dam on day of the immersion for facilitating immersion of Ganesh idols. According to them, such discharge of water from Khadakwasla Dam will cause loss of drinking water to which the citizens are entitled which is more important for the protection of environment, and water preservation than the religious feelings and emotions of masses devotees.

4. Though the reply affidavits of Respondents are not on record, yet, in view of the fact that day of immersion ceremony in the offing and time is running out, we deem it proper to dispose of this Application after hearing learned Advocates of the parties on basis of the material available as well as the contentions putforth by them.

5. It is stated by learned Advocate for PMC Shri P.S. Suryavanshi, that in the last year, there were 96 (ninety six) artificial tanks provided for immersion of Ganesh idols, whereas during the current year, there are 114 (one hundred fourteen) artificial tanks provided by the PMC for such activity. He states that POP (plaster of paris) idols of more than legally permissible height are not allowed to be immersed in the river and this year also proper precautions will be taken so that such idols of huge size are not permitted to be immersed in the riverine water bodies. In case such POP idols are sought to be immersed, then the organizers of Ganesh Mandals will be directed to bear transportation costs and the POP idols would be transported to an appropriate place where the same can be preserved with sanctity until proper methodology for disposal will be envisaged.

6. So far as sludge is concerned, according to Shri Suryavanshi, learned Advocate, it would be sent to landfill site at Urali (Devachi). We are, however, informed that said

landfill site is overflowing and inadequate to accommodate the sludge and sediments. Therefore, it is necessary for the PMC to immediately take steps to seek approval from the MPCB for selection of landfill site which Collector, Pune may identify and select for disposal of the sludge. The sludge can be thus, disposed of at approved landfill site, if the approval is given by the MPCB. The site selection is required to be done as early as possible and within a couple of days and the approval of MPCB be simultaneously given unless there is very strong reason to reject the proposal. The disposal of the sludge shall be carried out under supervision of Regional Officer of the MPCB in accordance with the regular procedural norms.

7. We direct that the Pune Municipal Corporation shall take serious steps, in the meanwhile, to provide for more artificial tanks, if it is so possible, by engaging contractual workers and requesting the Housing Societies, particularly, the developers who are constructing the projects which are under way/progress and the R.G. area is still available for them which is unutilised because such developers do get the R.G. area as well as required the water facility for construction work which can be diverted for to be used for artificial ponds to carry out the immersion activity. The developers directly or indirectly are under control of the PMC/Collectorate and hopefully co-operate for the cause of

social benefit i.e. “save water, save environment” which is also their Corporate responsibility.

8. The ponds which will be used for immersion of the idols, be taken care of by appropriately cleaning and treating of the water after the immersion process is over.

9. We direct that the Collector, Pune, Municipal Commissioner, Pune and the concerned authorities like Chief Engineer, Irrigation Department, shall organize a meeting at the earliest of which convener shall be DGP Smt. Ujawala Pawar who is present in the Tribunal and undertakes to inform the authorities accordingly alongwith copies of their order. In the said meeting, the above directions and observations be considered for the purpose of implementation.

10. The above directions be treated as stop gap arrangement made for the current year and that next year and also in future, planning be made well in advance, atleast a couple of months before such ceremonies by making due awareness, for utilizing minimum water resources for immersions of the idols and ensuring that the minimum quantity of water would be needed for such immersion as well as directing each of the organizer of the Ganesh Mandal to take care of the immersion independently without placing burden on the PMC and other authorities. Still, however, it will require pre-planning

and before such festival and in any case, preparatory work for such programme will have to be started atleast 3-4 (three-four) months before commencement of the festival. We hope the above suggestion will be taken seriously for the next year though temporary arrangement as above shall be carried out during the current year.

The Application is accordingly disposed of. No costs.

....., **JM**
(Justice V. R. Kingaonkar)

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

Date : 24th September 2015

ajp.

NGT