

Item No. 03

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 69/2020(WZ)

Rakesh Ramesh Dhotre (Pune-Maharashtra)

Applicant(s)

Versus

The Principal Secretary Environment  
Department & Ors.

Respondent(s)

Date of hearing: 17.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Respondent: Mr. Rahul Garg, Advocate for PMC-R-3 & 4  
Ms. Mansi Joshi Advocate for MPCB- R-5  
Mr. S.K Mishra, Sr. Advocate with Mr. Pralhad D. Paranjape, Advocate  
for R-7 & 8  
Mr. Aniruddha S Kulkarni, Advocate for Environment Department

**ORDER**

1. Grievance in this application is against dumping of debris in Bio-diversity Zones by Pune Metro Corporation at Pune. Bio-diversity zones are spread over in 23 villages which need to be duly preserved ensuring that no waste is dumped in such areas. However, in violation of environmental norms, this is being done with impunity without any remedial action.

2. The matter was considered earlier on 06.10.2020. While issuing notice to the respondents, including Pune Municipal Corporation (PMC), Maharashtra Metro Rail Corporation (MMRC) and State PCB, a joint

Committee of (i) The District Collector, Pune, (ii) The Municipal Commissioner, Pune Municipal Corporation and (iii) Maharashtra Pollution Control Board was required to furnish a factual and action taken report in the matter.

3. The joint Committee submitted its report dated 23.08.2021 which was considered on 25.08.2021 and thereafter on 23.09.2021. The matter was deferred for further proceedings.

4. We have heard learned Counsel for the parties and perused the report of the joint Committee as well as counter affidavit filed by the MMRC and State PCB. The joint Committee has found dumping of debris by the trucks of the PMC and Maha-Metro for which action taken was levy of fine against few trucks. C&D waste processing unit has now become operational, to remedy the situation. Maha-Metro has been asked to remove the dumping. Relevant extracts from the report are reproduced below:

**“(I) PUNE MUNICIPAL CORPORATION**

*The urban local body has made a reservation termed as BDP- Bio Diversity Park reservation in the Development Plan. The BDP zone is spread across various locations in Pune city on the hills and hill slopes admeasuring total of 978 hectares of land identified as green spaces in the city. Since these lands are reserved as BDP, no construction is allowed in such areas. The site in question near Chandni Chowk falls under Bavdhan Area. It was observed that trucks were dumping debris in S. No. 11, 12 and 15 behind the PMC water tank. Upon interrogation, it was found that two truck bearing nos. MH-12 FZ 8140 and MH-12 GU5612 both having Maha-Metro Logo sticker on them, were unloading the material. A notice letter was issued to Maha-Metro for removing the dumped material.*

**ACTION TAKEN:** *The areas of BDP are susceptible to illegal dumping during night or day time by unknown trucks coming from any other construction sites. To stop such dumpings, the Sanitary Inspectors of PMC Kothrud Ward office have taken action of few trucks and levying fine of Rs. 5000/- to the owners of dumping trucks. The staff of PMC ward office visits the place regularly to*

keep a check on any further dumping by trucks. The copies of such notices and challans is attached in Annexure-II—II.

**C&D WASTE POLICY:** Due to rapid urbanization in Pune city, many construction activities are taking place around and within the city. Taking into consideration the C&D waste generated by small waste generators to Private Builders and infrastructure projects, the Pune Municipal Corporation has a C&D waste policy approved by General Body of PMC and has come into effect per a circular w.e.f. 12-6-2019. A C&D waste processing plant is made operational at abandoned quarries at Wagholi which is operated by an external agency deployed by PMC. Feeder points are identified at 15 ward offices of PMC all over the city. A toll-free number 18002339595 is provided for assistance. The construction waste is processed, and material is crushed and recovered for reuse purpose. The details of C& D process are attached as per Annexure-III.

## **(II) MAHA- METRO**

A letter was issued to Maha- Metro by Pune Municipal Corporation asking them to remove the dumping that was done by truck nos. MH-12 FZ 8140 and MH-12 GU5612 both having Maha-Metro Logo sticker on them on 18.05.2020. These trucks were found unloading the debris on Bavdhan hill area which falls under BDP reserved land of Pune Municipal Corporation. However, vide letter dated 22.05.2020 Maha-metro informed PMC that, on 15.05.2020 no activities related to debris on earth/ rock disposal was conducted from Hill view Car Depot (Vanaz Kothrud Kachara Depot Maha Metro). The dumpers bearing no. MH-12 FZ 8140 and MH-12 GU5612 both had worked depot site only for two day i.e. from 5<sup>th</sup> May to 6<sup>th</sup> May 2020 and currently are not working for Maha- Metro. Maha-Metro has also informed that, after enquiry it come to notice that, dumpers are working for some other agency for shifting of excavated material by using the logo of Maha-Metro. Copy of the notice issued to Maha- Metro is attached in Annexure- IV and Maha-metro reply is attached in Annexure- V.

## **(III) NATIONAL HIGHWAY AUTHORITY OF INDIA**

Excavation for construction of Flyover at Chandni Chowk is in progress by National Highway Authority of India. The team visited construction site to identify locations where the excavated material is stored. The engineer from NCC construction company working under NHAI, showed the team, huge amount of excavated material (attached photos in Annexure —VI) which is stored near Chandni Chowk at the construction site. The excavated earth material is stocked for the purpose of backfilling which will be required while constructing the flyover. All the excavated material, though it appears to be dumped along main highway, it is in within the premises of on-going construction site of NHAI and is properly fenced, away from main highway for safety reasons.

## **CONCLUSION:**

*The dumping of construction debris remains a problem for cities as urbanization is at a rapid pace. The urban sprawl is in a large area and sometimes goes beyond the city limits, a few miscreant truck owners usually find no man's land to illegally dump their truck loads. It is imperative that the building construction industry adhere to C&D waste policy adopted by PMC and strict actions to be taken for illegal dumping and a vigil to be kept at various likely locations of dumping. However, for the particular location mentioned by applicant, in the larger interest of keeping the hill free of debris, the PMC shall prepare time bound action plan for the removal of the dumped material at BDP-Bio Diversity Park, Chandni Chowk, Bavdhan, Pune alongwith strict surveillance to avoid such further unauthorized dumping. Also instead of centralized plant at Wagholi for whole PMC jurisdiction, it is suggested that, PMC shall decentralized C&D processing plant at various locations to cover total PMC jurisdiction.”*

5. The stand of the State PCB is that it has issued a letter to the PMC to take remedial action against those dumping waste and action has been taken against few truck owners. MMRC has stated that all concerned officers have been directed not to dump the waste.

6. In view of undisputed fact that the waste was being dumped in sensitive biodiversity zone, it is necessary to ensure that such activities are not allowed and for the past violations, meaningful action is taken with deterrent element. PMC may ensure lifting of dumped waste to the C&D waste processing plant at Wagholi. Cost involved in execution of this work, be recovered from violators. The C&D processing plant needs to be operated in compliance with C&D waste management rules, with due authorization under the said rules. In no case waste be dumped in abandoned mines. The PMC may maintain regular vigil in the matter.

7. Action taken report of status as on 31.03.2022 may be filed with the Registrar, Pune Bench, NGT by 15.04.2022 by e-mail. If any further direction appears to be necessary, the Registrar may place the matter before the Bench.

Subject to the above, the application stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Vijay Kulkarni, EM

February 17, 2022  
Original Application No. 69/2020(WZ)  
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