

Item No.1

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

Original Application No.39/2025(WZ)

Dr. Snehal Donde & Anr.

.....Applicants

Versus

Bhiwandi Nizampur Municipal Corporation & Ors.

....Respondents

Date of hearing: 27.03.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicants : Ms. Ronita Bhattacharya Bector,
Advocate for the applicants.

ORDER

1. The Applicants-Dr. Snehal Donde and Momin Dilshad Ahamad Zaheeruddin have filed the present application seeking the following reliefs:-

"a. Direct the Respondents 1,2 and 3 to take appropriate action to forthwith ensure that untreated sewage is not dumped into the Varal Devi Lake ;

b. Direct the Respondents 1,2 and 3 not to allow water from the Varal Devi lake to be used for drinking purposes until such time as it is effectively treated through functional and up to date Sewage Treatment Plants and/or other effective means to treat and purify the water within the lake;

c. Direct the Respondent No. 1 to set up and operationalise necessary Soil Biotechnology Plants by diverting the sewage from the lake to such Soil Biotechnology Plants as per the proposal of the Applicant at Annexure A-12 colly and Annexure A- 19 .

d. Direct the Respondents No. 1,2,5 and 6 to duly consider the submissions and input of the Applicant annexed at Annexure A 12 colly and Annexure 19 and prepare a detailed plan with specific steps and well-defined time periods to clean, rejuvenate

and maintain the Varal Devi Lake to be executed by the Respondent No. 1 and 2 ;

e. Direct the Respondent No. 4 to strictly enforce directions issued to in the 7th August 2024 at Annexure A-16 and ensure timely monitoring of the conditions recorded in the Consents to Operate and Consents to Establish issued to units discharging mixed effluents in the Varal Devi lake under the Water (Prevention and Control of Pollution Act) 1973;

f. Direct the Respondents No. 5, 6 and 7 to include the Varal Devi lake within the ambit of the Chala Jaanuya Nadila" initiative of the Maharashtra State Government run by the Respondent No.7;

g. Direct the Respondent No. 5,6 and 7 to take the necessary steps clean and purify the water, removal encroachments, and de-sil the Kamvari River as required under the Chala Januliya Nadila initiative;

h. Pending hearing and final disposal of the present Application, direct the Respondents 1,2 and 4 to take appropriate action to forthwith ensure that untreated sewage is not dumped into the Varal Devi Lake ;

i. Pending hearing and final disposal of the present Application, direct, direct the Respondents 1,2 and 4 not to allow water from the Varal Devi lake to be used for drinking purposes until such time as it is effectively treated through functional and up to date Sewage Treatment Plants and/or other effective means to treat and purify the water within the lake;

J. Pending hearing and final disposal of the present Application, direct the Respondent No. 1 to consider setting up and operationalising necessary Soil Biotechnology plants by diverting the sewage from the lake to such Soil Biotechnology Plants as per the proposal of the Applicant at Annexure A-12 colly and Annexure A-19;

k. For any other orders as this Hon'ble Tribunal deems fit."

2. Briefly stated, the Applicants have submitted that the Kamvari river originates from the hills in Depoli village and merges with the Ulhas river confluence before draining in Vasai Creek and the Varal Devi lake is in the Kamvari river basin area supporting its flow. However, due to a) overall ignorance in repair and maintenance of the lake, b) serious contamination of water from untreated sewage discharge, c) washing of clothes akin to a dhobi ghat from all sides, d) pollution and siltation due to idol immersion, e) garbage dumping and f) almost 50% encroachments

in the lake the storage and carrying capacity as well as flow capacity of the lake is reduced immensely. The Varal devi Lake in Bhiwandi has become severely polluted, and has altered from a natural resource into a toxic site. Untreated sewage flows into the lake from multiple points including slaughter houses, and encroachments by unauthorised structures worsens the degradation. Idol immersions into the lake introduce heavy metals to the water, while misguided chemical treatments have destroyed beneficial bacteria, triggering toxic algae blooms. The lake's untreated water due to inoperative STPs, used by nearby communities, poses serious health risks. Despite government campaigns and recommendations, poor practices have left Varaldevi Lake dangerously polluted and unsafe for ecological or public use. However, 5 MLD of water from the lake is used daily to provide drinking water to nearby residential areas such Kamatghar. The applicants have referred to the inputs given and submissions made by them regarding remedial measures for rejuvenation of Kamvari river and Varal Devi Lake and have complained that the requisite action has not been taken by the concerned authorities as detailed in the original application.

3. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In the first instance and before proceeding further with the original application for issuance of notices to other respondents, we consider it necessary to seek response from the Principal Secretary, Water Resources Department, Government of Maharashtra with respect to the averments made in the original application.

5. Accordingly, the Registry is directed to issue notice alongwith a copy of the original application to the Principal Secretary, Water Resources Department, Government of Maharashtra requiring him to submit his response with reference to all the averments made in the original application.

6. The response as directed above may be filed by the Principal Secretary, Water Resources Department, Government of Maharashtra within two months.

7. List on 30.06.2025 for further consideration.

Arun Kumar Tyagi, JM

Dr. Vijay Kulkarni, EM

March 27, 2025
Original Application No.39/2025(WZ)
AG