

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 8445 OF 2015**

**WITH**

**CIVIL APPLICATION NO. 3184 OF 2015**

Mira Bhayandar Municipal Corporation .. Petitioner  
V/s  
Nagri Hakka Sangharsh Samiti & Ors. .. Respondents

Mr. R.B. Raghuvanshi with Mr. N.R. Bubna for the petitioner.  
Mr. Sunil Dighe for respondent nos.1 and 2.  
Mr. C.P. Yadav, AGP for respondent nos.5 and 6.

**CORAM: DR. MANJULA CHELLUR, CJ. &  
M.S. SONAK, J.**

**DATE : 21<sup>st</sup> SEPTEMBER 2016**

**P.C.:**

The writ petitioner is a Local Body – Mira Bhayandar Municipal Corporation. For non-compliance of Solid Waste Management obligation on the part of the Local Body, the respondent approached the National Green Tribunal, Bench at Pune (NGT) with the grievance that the Local Body in question is not complying with the obligation or not alleviating the problems of general public so far as its obligation of solid waste disposal in accordance with the procedure contemplated.

2. The NGT, Bench at Pune apart from referring to several

aspects of the matter imposed a condition of depositing Rs.70 crores within a period of 4 weeks and if the amount is not deposited within the time frame, the Divisional Commissioner was directed to take appropriate steps for recovery of the amount as a land revenue. This order was passed on 21<sup>st</sup> July 2015. Aggrieved by the same, the writ petitioner – Local Body came before this Court. This Court however entertained the matter and stayed all the proceedings before the NGT, Bench at Pune apart from staying the deposit of the amount of Rs.70 crores within 4 weeks as directed by the NGT. We are conscious of the various earlier directions of this Court in the writ petition wherein the orders of NGT, Bench at Pune were challenged before the High Court. This writ petition is also pending since one year with the specific directions issued from time to time to the writ petitioner. In terms of such directions, now the writ petitioner has taken definite course of action resulting in inviting tenders for waste management disposal units for the Local Authority and the last date for receiving the tenders is fixed as 5<sup>th</sup> November 2016.

3. Having regard to the progress made in the matter till this date, we are of the opinion that so far as the deposit of Rs.70 crores is concerned, the interim order of stay continues till the end of November 2016. So far as the stay of the proceedings in the application pending before the NGT, Bench at Pune is concerned, we vacate the said order and the proceedings can proceed further before the NGT, Bench at Pune. Meanwhile, it is left to the writ petitioner

either to approach the Apex Court with regard to the deposit of Rs.70 crores or the NGT for review of its order in the light of progress made by the writ petitioner so far as establishment of Solid Waste Disposal units.

4. With these observations, we dispose of the writ petition. In view of disposal of the writ petition, the civil application does not survive and stands disposed of.

**(M.S. SONAK, J.)**

**(CHIEF JUSTICE)**