

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5684 OF 2013

Mr.Komal Dongar Singh Wani	...	Petitioner
versus		
Pune Municipal Corporation and Ors.	...	Respondents

WITH
CIVIL APPLICATION (ST) NO.9149 OF 2018

Pune Municipal Corporation and Ors. ... Applicants

In the matter Between :

Mr.Komal Dongar Singh Wani	...	Petitioner
versus		
Pune Municipal Corporation and Ors.	...	Respondents

Mr.Prasad B. Kulkarni for the Petitioner.

Mr.Rajdeep Khadapkar for Respondent
No.1.

Mr.D.M.Gupte for Respondent No.5.

**CORAM :- S. C. DHARMADHIKARI &
R.I.CHAGLA, JJ.**

DATE :- JANUARY 24, 2020

P.C. :-

1. On December 17, 2019, we had passed the following order:-

1. We have heard both sides. Pursuant to our earlier order, an officer of the Pune Municipal Corporation's health department is present. He is not the Health Officer. He has produced a file which contains the documents pertaining to the incinerator. The documents include a letter of the Maharashtra Pollution Control Board dated

13.11.2018 which indicates that there are two requirements which are yet to be complied with.

2. Mr.Khadapkar, appearing for the Pune Municipal Corporation, says that in the file, is the latest online application made on 14.12.2019 to the Maharashtra Pollution Control Board so as to make the facility operational. The facility is established and permission for establishment is granted by Maharashtra Pollution Control Board but the subsequent permission for making the facility operational is yet to be granted.

3. In the event the Maharashtra Pollution Control Board/its regional level officers meet for considering all pending applications, then, they should give the necessary priority to this application of the Pune Municipal Corporation as the project is in public interest and for public safety. After inspecting the facility and the premises, the necessary permission be granted in accordance with law.

4. However, we expect that the decision will be taken by the Maharashtra Pollution Control Board before the next hearing. We, therefore, place this matter on 24.1.2020. The matter shall be listed on supplementary board.”

2. After that, an affidavit has been filed by the Maharashtra Pollution Control Board. The Sub-Regional Officer in service of this Board has filed an affidavit stating that in pursuance of the above order, the application made by the Pune Municipal Corporation on 14th December, 2019 for renewal of consent for incinerator unit of Pune Municipal Corporation (incineration of dead animals through incinerators) situated at Keshav Nagar, Mundhwa, Pune has been considered. The officials of the Maharashtra Pollution Control Board visited the site and

inspected the facility. After that, the Maharashtra Pollution Control Board in its meeting held on 13th January, 2020 (Consent Committee Meeting), decided to grant renewal of consent to operate this incinerator unit. Now, the Pune Municipal Corporation can operate this in terms of the consent dated 20th January, 2020. This consent is stated to be in force till 31st January, 2021. Needless to clarify that the Maharashtra Pollution Control Board has a right to review, amend, suspend and revoke this consent.

3. After this consent of the Board and the facility being made operational, if the petitioner has any grievance about damage to ecology and environment, he can always raise it before the Board. The Board, within its powers, can note such complaint or grievance of the petitioner and deal with the same in accordance with law.

4. In view of the further developments, the present writ petition need not be kept pending. It is disposed of. If the facility can be made operational pursuant to the consent of the Maharashtra Pollution Control Board dated 20th January, 2020, the order passed on 11th July, 2013 on this writ petition or any of the further orders, shall not preclude or prevent the Pune Municipal Corporation from operating this facility.

5. In view of the disposal of the writ petition, civil application does not survive and stands disposed of accordingly.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)