

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 3 OF 2018

Citizen Circle for Social Welfare and Education. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents

Mr.Syed Shehzad Naqvi with Ms.Reshma Mutha, Ms.Sana Khan
for the petitioner.

Ms.Geeta Shastri, Addl.GP for the State.

Ms.Sharmila Deshmukh with Ms.Jaya Bagwe for respondent No.3.

Mr.A.Y.Sakhare, Senior Advocate with Ms.K.H.Mastakar
for respondent No.2.

**CORAM : PRADEEP NANDRAJOG, C.J.
 AND N.M.JAMDAR, J.**

DATE : 11th July 2019.

P.C. :

Heard learned counsel for the parties.

2. By way of the present public interest litigation, the petitioner highlights that untreated effluent is being discharged not only in the coastal areas but even in Mithi River which ultimately flows into the Arabian Sea.

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3. Concededly, the Maharashtra Pollution Control Board is charged with the obligation/duty to see that untreated effluent is not discharged either in river or in the sea.

4. Learned counsel for the Municipal Corporation of Greater Mumbai (MCGM) does not dispute the obligation of MCGM to treat the sewerage generated in the city before it is discharged in the sea. MCGM also does not dispute its obligation to lay sewer lines so that the sewerage generated in the city is brought to the sewerage treatment plants and after treatment the same is discharged in the sea.

5. The counter affidavit filed by the Pollution Control Board brings to the notice of this Court that sewerage treatment plants have been erected and commissioned by MCGM at eight places. The capacity of the sewerage treatment plants in MLD has been disclosed in the counter affidavit as also the quantity of sewerage treated. The data shows that whereas the capacity of the sewerage treatment plants is to treat 2,595 MLD sewerage, the plants are treating only 2,016 MLD sewerage and the reason therefor is that MCGM has not laid sewerage lines to bring the effluent to the sewerage treatment plants for treatment before it is discharged into the Arabian Sea.

6. Response by the MCGM is that 2012 km. sewer network has to be laid and currently the network is not 2012 km. The affidavit by MCGM records problem it faces in not being able to lay complete network of sewerage lines.

7. The problem is identifiable. The problem is of sewer lines not being laid to bring the entire effluent to the existing sewerage treatment plants which are operating below their capacity.

8. We dispose of the petition directing the Maharashtra Pollution Control Board to seek quarterly reports from MCGM regarding extension of the existing sewerage pipeline. The Pollution Control Board would ensure that within a reasonable time MCGM connects the sewerage treatment plants to the extended sewer lines meaning thereby the network of sewerage pipelines cover all areas of the city where-from sewerage is generated. No costs.

N.M.JAMDAR, J.

CHIEF JUSTICE