

Civil Appeal No(s).10582/2017 dated 14-11-2017

In a landmark order, the Supreme Court asked the Maharashtra chief secretary to pay Rs 100 crore -- possibly the highest amount of compensation that a state government has ever been asked to pay -- for restoration of rivers damaged by pollution, in the case ***Municipal Commissioner, Ulhasnagar Municipal Corporation vs Vanashakti Public Trust & Others***, in which HRLN was the counsel for Vanashakti.

A division bench (Justice Madan Lokur and Deepak Gupta) made Sumit Mullick, chief secretary, Maharashtra, give an undertaking to disburse Rs 100 crore for the restoration of the Ulhas and Waldhuni rivers.

The chief secretary was also directed to take a decision on shutting all illegal industries immediately, and the disconnection of electricity and water supply to all jeans washing units in Ulhasnagar.

In 2015, after observing that the rivers were “critically polluted”, the NGT had passed a detailed judgement, imposing a penalty of Rs 95 crores on the Kalyan Dombivili Municipal Corporation, Ambarnath Municipal Council, Ulhasnagar Municipal Corporation, Kulgain Badlapur Municipal Council, MIDC and the common effluent treatment plants of Dombivili.

However, instead of paying the penalty, they chose to go to the High Court of Bombay instead, which stayed the NGT judgement. But since the HC cannot use its extraordinary powers in this manner to stay NGT orders, Vanashakti and HRLN filed a special leave petition in the Supreme Court.

SC directed all parties to file fresh civil appeals against the NGT judgment. All municipal corporations filed their affidavits and claimed that they did not have enough money to pay for the pollution caused and that they could only change things in next three or four years.

In this hearing, the Court grilled the Maharashtra chief secretary for over an hour before asking him to undertake the payment of Rs 100 crores. He will also be personally liable for any non-compliance of the order. This order comes as a big relief for HRLN, which has been relentlessly pursuing the case for the past five years.

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