



# MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Terminus (VT), Mumbai - 400 001  
Tel : 2207 8962, 2205 0791 Fax : 2207 8962 Website : <http://mshrc.maharashtra.gov.in>

## KKT/Case No.– 342/13/16/2022

Name of the Complainant : Vivek K Shetty  
1/701, Lodha Eternis Co-op Hsg Soc. Ltd  
Road No.11, MIDC, Andheri (E),  
Mumbai – 400 093

**V/s.**

Name of Respondent : The Municipal Commissioner  
Municipal Corporation of Greater Mumbai  
Mumbai

The Dy Commissioner of Police  
Zone – X, Mumbai

The Sr. Police Inspector  
MIDC Police Station  
Mumbai

Date : **9<sup>th</sup> May 2022**

Coram : **Justice K.K. Tated, Chairperson**

## ORDER

Advocate Jeet Gandhi for complainant is present.

Mr. Abhishek Patil, Police Sub Inspector, MIDC Police Station and Advocate Ms. Rajashri Valvi for Corporation is present.

2. Pursuant to the order passed by this Commission on 11.04.2022 Corporation filed their affidavit dated 22.04.2022 duly affirmed by Mr. Prashant Sapkale, Asst. Commissioner, K/East Ward, MCGM, Mumbai, stating that they decided to construct

permanent garbage shade along with infrastructure at the plot belonging to Corporation next to MIDC, Road No. 11, Beat No.81, Andheri, Mumbai, Para 5 and 6 of the said affidavit reads thus;

*“ 5. I say that, construction of temporary garbage shed will take 1¼ months time after following corporation process. Also, construction and infrastructure cost should be borne by M.C.G.M only. Therefore, it is convenient to construct permanent garbage shed along with infrastructure at plot belonging to the Corporation, next to MIDC Road No.11, Beat No.81, Andheri (East), Mumbai within a period of two months for entire corporation process from the filing of present affidavit to enable to save time and public money (revenue) instead of temporary garbage shed.*

*6. Furthermore, the Corporation undertakes to call upon a tender for the construction of a Permanent Garbage shed at the plot belonging to the Corporation next to MIDC Road No.11, Division 81, Andheri, Mumbai within a period of 7 days from the filing of the present affidavit and further undertakes to complete the construction of the Permanent Garbage Shed prior to 5<sup>th</sup> June, 2022 as per following schedule, subject to obstruction from public at large.*

<i>Sr.No.</i>	<i>Tender Procedure</i>	<i>Time limit</i>
<i>1.</i>	<i>Submission of proposal by concerned department</i>	<i>21.04.2022</i>
<i>2.</i>	<i>Scrutiny of proposal by Account Officer, (K/E)</i>	<i>23.04.2022</i>

3.	<i>Approval of Competent Authority to proposal</i>	27.04.2022
4.	<i>Invitation of tender (online)</i>	28.04.2022
5.	<i>Tender Opening</i>	09.05.2022
6.	<i>Document submission by L-1 bidder</i>	12.05.2022
7.	<i>Issuing work order to contractor</i>	17.05.2022
8.	<i>Work started on</i>	18.05.2022
9.	<i>Date of Completion</i>	04.06.2022

3. The Dy, Commissioner of Police, Zone - Dr. Maheshwar Reddy also filed their report dated 21.04.2022, stating that they will take appropriate action against culprit who is creating nuisance of garbage. To that effect following paras of report dated 21.04.2022 submitted by Mr. Satish Gaikwad, Sr. Police Inspector, MIDC Police Station, Mumbai reads thus;

“तक्रारदार यांच्या अर्जाच्या अनुषंगाने त्यांना पोलीस ठाणेच्या वतीने त्यांच्या सोसायटी च्या परिसरात सी.सी.टी.व्ही. कॅमेरे बसवीण्याबाबत पत्राद्वारे सूचना देण्यात आलेल्या आहेत. तसेच पोलीस गस्ती दरम्यान सदरठिकाणी कचरा टाकणा-या इसमांवर योग्यती कारवाई करण्याची तजवीज ठेवण्यात आलेली आहे.

महानगर पालीका आयुक्त के पुर्व वॉर्ड यांना पत्राद्वारे नमुद ठिकाणी कच-याचे व्यवस्थापणाच्या उद्देश्याने योग्यची उपाययोजना करावी तसेच कचरा टाकणा-या योग्यती कारवाई होण्याकरीता त्यांच्या मार्फतीने बी.एम.सी. मार्शलस यांची नियुक्ती करावी अशी विनंती करण्यात आलेली असुन सदर प्रकीयेमध्ये त्यांना ज्यावेळी

पोलीस मदतीची आवश्यकता भासले त्यावेळी या पोलीस ठाणेमार्फत मदत पुरवण्यात येणार असल्याचे कळविण्यात आलेले आहे.”

4. Considering the submission made by Advocate for Corporation, affidavit dated 22.04.2022 of Mr. Prashant L Sapkale and report dated 21.04.2022 filed by Mr. Satish Gaikwad, Sr. Police Inspector, it is clear that they are already started construction as well as preventing the peoples who are throwing garbage there. This itself shows that within short period grievance made by the complainant will be solved by the Corporation. Hence, nothing survives in the present complaint.

5. At this stage, Advocate for the complainant submits that either complaint may be pending till the construction of garbage shade is completed and or grant permission to the complainant to move before the Commission again for the same cause of action, in case of some difficulty.

6. Considering the affidavit dated 22.04.2022 filed by Asst. Commissioner, K/East Ward is nothing but undertaking to complete the construction of Garbage shade.

7. Considering these facts, the following order is passed

- a) Complaint stands disposed off in view of subsequent development, that Corporation decided to construct permanent garbage shade along with infra structure at plot belonging to the Corporation, next to MIDC, Road No.11, Beat No.81, Andheri (E), Mumbai within two months.
- b) The problem of complainant principally solved.
- c) Police Authority to cooperate with the Corporation for completing the said construction.



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- d) Liberty granted to the parties to move before this Commission in case of some problem.
- e) Complainant stands disposed off
- f) No order as to costs.

**sd/-**  
**(Justice K. K. Tated)**  
**Chairperson**