

Item No.12

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

[THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)]

**Original Application No.50/2023(WZ)
I.A. No.228/2025(WZ)**

Shahu Shivaji Mokashi

.....Applicant

Versus

State of Maharashtra & Ors.

....Respondents

Date of hearing: 23.03.2026

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SUJIT KUMAR BAJPAYEE, EXPERT MEMBER**

Applicant : None present.

Respondents : Mr. Dattatraya Devale, Advocate for R-1/PP
Mr. Mukesh Verma, Advocate for R-2/MPCB
Mr. Aniruddha S. Kulkarni, Advocate for R-6/Envnt.
Department

ORDER

1. We are passing this order in continuation to the earlier orders dated 04.05.2023, 25.07.2023, 22.09.2023, 09.01.2024, 18.03.2024, 19.09.2024, 02.12.2024, 04.08.2025 and 18.11.2025.

2. This application has been filed by the applicant- Shahu Shivaji Mokashi against the respondent no.1- M/s Appasaheb Nalwade Gadhinglaj Taluka SSK Ltd. alleging that the said industry is discharging its molasses in the water of Hiranyakeshi river, thereby polluting the river and groundwater causing great loss and posing serious health hazards to the local inhabitants, animals etc.

3. We find that a Joint Committee was constituted by the Tribunal vide order dated 18.04.2022, comprising representatives of State PCB; Department of Agriculture and Fisheries, Government of Maharashtra; and the District Magistrate, Belagavi, which visited the site on 06.06.2022 and submitted its report to the following effect:-

M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., (Call with Brisk Facilities Ltd (Sugar Unit), Harali, Taluka-Gadhinglaj, District-Kollapur.

M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., call with Brisk Facilities Ltd, Harali, Tal. Gadhinglaj, Dist. Kolhapur, is existing industry operating since 1979. They have sugar manufacturing plant with Sugar Cane Crushing of capacity 2000 TCD. The consent issued from MPCB is valid up to 31-07-2023. During this crushing season the unit was operated only for 55 days. Total crushing of the unit was 69237 MT.

Following observations made during the inspection:

- During the visit it is informed that present crushing season is ended on 18th February 2022.

1. Existing ETP consists of following units.

Sl. No.	Unit
1	Bar Screen
2	Oil and Grease Trap
3	Equalization Tank
4	Aeration Tank
5	Clarifier 1
6	Clarifier 2
7	Treated water sump (15 days storage tank)
8	Sludge drying beds
9	Emergency Holding Tank

2. The physical observation shows that effluent treatment plant equipments are not in working condition. They were informed to remove the bypass line provided for effluent.
3. The trade effluent was also stored in the unlined lagoon near the ETP and this may also join nala leading to Hiranyakeshi river during the rainy season.
4. The unlined lagoons (two numbers) were provided as 15 days' storage tank and filled with trade effluent mixed with rain water & informed to abandon the same.
5. No proper agriculture management plan was observed for utilization of treated trade effluent and hence the treated trade effluent joins surface drain leading to nala and Hiranyakeshi river.
6. Based on non-compliances observed in the past, MPCB has issued Proposed Directions on 29-12-2017.

During joint inspection it was observed that Sugar unit was not under operation due to off season.

M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., call with Brisk Facilities Ltd (Distillery Unit), Harali, Taluka-Gadhinglaj, District-Kollapur.

M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., call with Brisk Facilities Ltd. (Distillery Unit), Harali, Tal. Gadhinglaj, Dist. Kolhapur, is existing industry operating since 1987. They have obtained consent for distillery 25 KLPD manufacturing industrial alcohol 720 MT/M. The consent issued from MPCB is valid up to 31-08-2024. During the season distillery was operated for 14 days and total was 346751 ltrs.

1. Based on the non-compliances observed the following actions were recently initiated from MPCB.
 - a) Proposed Direction on dated. 29-12-2017.
 - b) Proposed Directions on dated. 07-07-2021.

M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd., is located at a distance of 0.82 Km (approximately) from Hiranyakeshi River and from 28.4 Km (approximately) away from Naganur Barrage.

During joint inspection it was observed that Distillery unit was not under operation due to off season.

Following observations made during the inspection:

1. Three existing lagoons were observed and the industry representative was informed to abandon the existing two lagoons near the compost yard of distillery. The industry authorities have stored trade waste in unlined lagoon near the compost yard of distillery and overflow may join nala leading to Hiranyakeshi river during the rainy season.
2. Sri. Siddaram Bhima Dhanagari resident of Harali village informed that during the crushing season the effluent is being discharged into the drain leading to the nala and finally it joins the Hiranyakeshi river.
3. Industry has provided Re-Boiler & Multiple Effect Evaporator for the distillery unit. The concentrated spent wash used for surface composting.

During the inspection following river water/trade effluent samples were collected on 06-06-2022 and submitted to Board Laboratory, Belagavi for the purpose of analysis and the copy of the analysis reports enclosed vide **Exhibit-I**.

Details of sample collected on 06-06-2022

Sl. No.	Location	GPS Co-ordinates		Nature of sampling
		Latitude	Longitude	
01	Sankeshwar (M/s Hiranyakeshi SSK Niyamit, Sankeshwar, Hukkeri-Taluk, Belagavi - District	16.243158	74.505935	Open well water sample collected from the agriculture land adjacent spent wash storage lagoon No. 02.
02	Nala near UP Dhaba, Sankeshwar Road, Sankeshwar	16.246635	74.495220	Waste water collected from nala adjacent to UP Dhaba, Sankeshwar Road, Sankeshwar.
03	Hiranyakeshi River, Harali village, Gadhinglaj Taluk, Kolhapur District, Maharashtra State.	16.175970	74.338064	Hiranyakeshi river water sample collected at Harali Village bridge, Harali village, Gadhinglaj Taluk, Kolhapur District, Maharashtra State.
04	Hiranyakeshi River, Harali village, Gadhinglaj Taluk, Kolhapur District, Maharashtra State.	16.176066	74.337753	Hiranyakeshi river water sample collected at Harali Village bridge (Center of the river), Harali village, Gadhinglaj Taluk, Kolhapur District, Maharashtra State
05	M/s Appasaheb Nalawade SSK, Harali village, Gadhinglaj Taluk, Kolhapur District, Maharashtra State	16.166032	74.345619	Trade waste collected near culvert adjacent to compost yard of the industry.
06	M/s Appasaheb Nalawade SSK, Harali village, Gadhinglaj Taluk, Kolhapur District, Maharashtra State	16.164478	74.340401	Trade waste collected from unlined pit behind ETP within industrial premises.

07	Hiranyakeshi River, Gadinglaj, Gadinglaj Taluk, Kolhapur District, Maharashtra State	16.208722	74.353656	Hiranyakeshi river water sample collected at Gadinglaj bridge, near Gadinglaj, Gadinglaj Taluk, Kolhapur District, Maharashtra State.
08	Hiranyakeshi River, Jarali Village, Gadinglaj Taluk, Kolhapur District, Maharashtra State	16.233566	74.387023	Hiranyakeshi river water sample (Stangated water) collected at Jarali Village barrage, Jarali Village, Gadinglaj Taluk, Kolhapur District, Maharashtra State.
09	Hiranyakeshi River, Gotur Village, Hukkeri Taluk, Belagavi District, Karnataka State	16.234147	74.496393	Hiranyakeshi river water sample (Stangated water) collected at Naganur barrage.
10	Nala near water intake point of Hiranyakeshi SSK.	16.235769	74.494658	Nala water sample collected from nala joining to Hiranyakeshi river near water intake point of Hiranyakeshi SSK.
11	Hiranyakeshi River, Sankeshwar, Hukkeri Taluk, Belagavi District, Karnataka State.	16.235281	74.494292	Hiranyakeshi river water sample (Stangated water) collected at upstream of nala joining to Hiranyakeshi river near water intake point of Hiranyakeshi SSK.
12	Hiranyakeshi River, Sankeshwar, Hukkeri Taluk, Belagavi District, Karnataka State.	16.234681	74.496097	Hiranyakeshi river water sample (Stangated water) collected at downstream of nala joining to Hiranyakeshi river near water intake point of Hiranyakeshi SSK.
13	Hiranyakeshi River, Kanadal Village, Gadinglaj Taluk, Kolhapur District, Maharashtra State	16.220044	74.469739	Hiranyakeshi river water sample (Stangated water) collected at Kanadal Village barrage, Kanadal Village, Gadinglaj Taluk, Kolhapur District, Maharashtra State

The water quality of Hiranyakeshi River collected at different locations as mentioned below:
From Harali Village, Gadhinglaj Taluk, Kolhapur District, Maharashtra State to Gotur barrage (Naganur), Hukkeri Taluka, Belagavi District, Karnataka State (Harali, Gadhinglaj, Jarali, Khandhal, Sankeshwar, Naganur-6).

Sl. No.	Sampling point	DO mg/liter	BOD mg/liter
01	Hiranyakeshi River, Harali village, (Right bank)	7.9	2.94
02	Hiranyakeshi River, Harali village, (Center of the river)	Not Analysed	3.06
03	Hiranyakeshi River, Gadinglaj,	9.8	3.78
04	Hiranyakeshi River, Jarali village,	7.97	2.34
05	Hiranyakeshi River, Kanadal village,	9	5.17
06	Hiranyakeshi River, Gotur village, upstream of nala	7	3.96
07	Hiranyakeshi River, Gotur village, downstream of nala	7.3	4.26
08	Hiranyakeshi River, Naganur barrage	7.4	4.5

4. This matter was considered by this Tribunal on several dates and a thorough consideration was made by this Tribunal vide order dated 02.12.2024, wherein we had directed the MPCB to submit response on an affidavit after considering all the reports submitted by the Project Proponent.

5. In compliance with the above direction, respondent no.2- MPCB gave personal hearing to the respondent no.1- Project Proponent. But again they arrived on the same conclusion as regards the amount of EDC. Thereafter, we had directed the MPCB to file a fresh affidavit, detailing therein all the facts as per our previous order dated 18.11.2025.

6. In compliance with the above direction, respondent no.2- MPCB has submitted compliance affidavit dated 20.03.2026, wherein they have submitted following mode of calculation of EDC:-

“

A) EDC calculation for Sugar unit

The formula taken as per para 6 of the Order of Hon'ble NGT in the O.A. No.593/2017 (Paryavaran Samiti & Anr. Vs. Union of India & ors.) dtd. 19/02/2019. The Environmental Compensation is calculated based on the Following Formula;

$$EC = (PI \times N \times R \times S \times LF)$$

Whereas,

EC is Environmental Compensation in Rs.

PI= Pollution index of industrial sector.

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = location factor

PI= Pollution index of industrial sector.

The average Pollution index of 80 was taken as Environmental compensation for the unit (as the consent granted to unit under RED category)

N = Number of days of violation took place:

The number of days are considered from the crushing season of 2021 – 2022 as the Joint committee was visited to the said unit 06.06.2022. Sugar unit operated for seasons as 2021-2022 – 55 days, 2022-2023 – 0 days and 2023-2024 – 72 days, i.e. total days of operation are 127 days.

R = A factor in Rupees for EC

Which is minimum of 100 to a maximum of 500. R is considered as Rs.250, as the Environmental compensation in case of violation.

S = Factor for scale of operation

For Small s=0.5, For medium S=1 & Large unit S=1.5

LF = location factor

It based on population of city/town and location of industrial unit. LF will be 1.0 in case unit is located > 10 km from municipal boundary.

The EC Calculation = (80 x 127 x 250 x 1.5 x 1.0)

=Rs. 38,10,000/-

Therefore, the Environmental Compensation is Rs.

38,10,000/-

B) EDC calculation for Distillery unit

the formula taken as per para 6 of the Order of Hon'ble NGT in the O.A. No.593/2017 (Paryavaran Samiti & Anr. Vs. Union of India & ors.) dtd. 19/02/2019. The Environmental Compensation is calculated based on the Following Formula;

$$EC = (PI \times N \times R \times S \times LF)$$

Whereas,

EC is Environmental Compensation in Rs.

PI= Pollution index of industrial sector.

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = location factor

PI= Pollution index of industrial sector.

The average Pollution index of 80 was taken as Environmental compensation for the unit (as the consent granted to unit under RED category)

N = Number of days of violation took place:

The number of days are considered from the crushing season of 2021 – 2022 as the Joint committee was visited to the said unit 06.06.2022. Distillery operated for seasons as 2021-2022 – 40 days, 2022-2023 – 0 days and 2023-2024 – 0 days, i.e. total days of operation are 40 days.

R = A factor in Rupees for EC

Which is minimum of 100 to a maximum of 500. R is considered as Rs.250, as the Environmental compensation in case of violation.

S = Factor for scale of operation

For Small s=0.5, For medium S=1 & Large unit S=1.5

LF = location factor

It based on population of city/town and location of industrial unit. LF will be 1.0 in case unit is located > 10 km from municipal boundary.

**The EC Calculation = (80 x 40 x 250 x 1.5 x 1.0)
=Rs. 12,00,000/-**

Therefore, the Environmental Compensation is

Rs. 12,00,000/-

C) Total EDC calculation is as follows

$$C = (A+B)$$

A) EDC for Sugar unit is Rs. 38,10,000/-

B) EDC for Distillery unit is Rs. 12,00,000/-

Total Rs. 50,10,000/-

Total EDC is Rs. 50,10,000/-

7. Further, it is submitted in this affidavit by respondent nos.2 & 3 that the respondent no.1–Project Proponent had simply requested for waiver of the EDC amount calculated by the Board or to minimize the EDC amount to be imposed due to financial reasons. There was no averment made from their side to the effect that their reports were not considered and the analytical reports pertaining to BOD, COD and other necessary effluent characteristics were not found to be on higher side for a certain period.

8. Learned counsel for the respondent no.1/Project Proponent has filed comments dated 20th March, 2026 today, wherein they have mentioned that though the Answering Respondent had served all the JVS-Analytical reports during the period, which are mentioned in the present application, upon the respondent no.2- MPCB, the same were not considered and as per them, only 8 days' violation was found to be there, when the readings exceeded the parameters. Therefore, he submits that the amount of the EDC should have been calculated only for 8 days of violations, instead of the above amount, which has been calculated by the MPCB.

9. We cannot disbelieve the above averment of the MPCB, because they have clearly stated that opportunity of hearing was provided to the Project Proponent and at that time, no such averment was made by the respondent no.1 and that now, it is being said by them that the readings were within limits except for 8 days. We are in agreement with the affidavit filed by the MPCB dated 20th March, 2026, whereby the details have been given for calculation of the EDC amount, which we have cited above.

10. In view of above, we dispose of this application with a direction to respondent no.1-PP to deposit the EDC amount of Rs. 50,10,000/- (Fifty Lakh Ten Thousand Rupees only) within a period of one month from the date of uploading of this order. After depositing the said amount of EDC by respondent no.1, the same shall be utilized by the MPCB for upliftment of the environment at the site in question within six months thereafter. A report in this regard shall be submitted by the MPCB to the Registry of this Tribunal within one month after utilizing the said amount of EDC.

Dinesh Kumar Singh, JM

Dr. Sujit Kumar Bajpayee, EM

March 23, 2026
I.A. No. 228/2025(WZ) In
Original Application No.50/2023(WZ)
J.G.