



THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 125 OF 2018

IN THE MATTER OF:

MR. ARVIND PUNDALIK MHATRE APPLICANT

VERSUS

THE MINISTRY OF ENVIRONMENT AND
FOREST & CLIMATE CHANGE (UOI)
& ORSRESPONDENTS

STATUS REPORT/AFFIDAVIT ON BEHALF OF
RESPONDENT NOS. 6 AND 7

I, **Dr. P. ANBALAGAN**, Chief Executive Officer, of the Maharashtra Industrial Development Corporation (hereinafter referred to as the Corporation/MIDC) and having my office at Udyog Sarathi, MIDC, Head Office, Andheri (East), Mumbai-93 do hereby state on solemn affirmation on behalf of Respondent nos. 6 and 7 as under:

1. At the outset I say that I am filing the present affidavit for the limited purpose to bring on record the compliances on part of the Corporation in view of the order dated 3rd September 2019 passed by this Hon'ble Tribunal.



2. I say that the Corporation has already filed its Status report / affidavit dated 28th August 2019, Affidavit in Reply dated 30th December 2017, Additional Affidavit dated 7th July 2018, Affidavit in compliance dated 12th March 2019 and Affidavit in compliance dated 2nd April 2019 pointing out the stand of the Corporation as well as effective steps taken by the Corporation.

3. It is pertinent to note that there is no mandate/function in the Maharashtra Industrial Development Act, 1961 for running a CETP. However Maharashtra Pollution Control Board vide its letter No. MPCB/JD/(WPC)/B-1147 dated 20th March 2017, issued directions to MIDC under Section 33 A of the Water (Prevention and Control of Pollution) Act, 1974, to take over/ appoint expert agency for operation and maintenance of Taloja CETP as it was not performing to achieve the disposal standards. The MIDC took over the operation of CETP only considering the holistic approach of overall industrial development of the area and maintaining the economy, job opportunities and to avoid industrial unrest in the area. Infact there was reluctance from the Taloja CETP Co-op Society Ltd. to hand over the CETP to MIDC for further improvement and operation and maintenance though the Taloja CETP was not functioning efficiently to achieve the disposal standards since 2013.

4. The CETP was constructed and operated by Taloja CETP Co-Op. Soc. Ltd. from the year 1998 till its handing over to MIDC at the end of October-2018 (i.e. by over two decades) for rehabilitation, up-gradation and expansion was in defunct condition. Almost all CETP civil structures of units like collection tank, equalization tank, flash mixer, primary & secondary clarifier were full of sludge due to its accumulation over a long non-operational period and in dilapidated anoxic / septic condition. The Electro-mechanical equipment like Clarifier Mechanism, Surface Aerators, Aeration Grid, Air Blower etc. were corroded and not operational. Since taking over of the CETP by MIDC at the end of October-2018, the retrofitting work of 10 MLD CETP was successfully completed and commissioned. That clearly indicates that the MIDC has taken a gigantic task which is the legacy taken from the Taloja CETP Co-Op. Soc. Ltd. Naturally, it will take considerable time to again bring the CETP to its original position and effective operational condition. It is absolutely impossible to comply with this issue of legacy in shortest time span. Even though, MIDC is trying hard to make entire 22.50 MLD CETP fully functional by end of November-2019, which is a record time of compliance looking into the huge de-sludging operations of removing 4300 MT of sludge carried out by MIDC. Considering the unprecedented rainfall and de-sludging of huge quantity of sludge (4300 MT) so



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also repairing and rehabilitation of defunct machinery and dilapidated structures MIDC may intend to request this Hon'ble Tribunal for an extension of the timeline by about 6 months beyond November-2019 to complete the entire work of rehabilitation, up-gradation and expansion of CETP from 22.50 MLD to 27.50 MLD .



5. The work of upgradation and rehabilitation of the Phase II CETP of 10 MLD was done on a war footing basis. However the Tribunal without appreciating the efforts taken and expenditure incurred by the MIDC has passed order dated 3rd September 2019. Nevertheless the MIDC has complied with the order dated 3rd September 2019.

6. I say that the CETP came into the possession of the Corporation in the last week of October 2018. Infact this Hon'ble Tribunal vide its previous orders have recorded that the CETP was not running and was polluting. MIDC inherited the legacy of the CETP which was not only polluting but also technically lagging. MIDC faced backlash from the CETP association when it showed willingness to upgrade the CETP. Infact the CETP was handed over to MIDC by the CETP Association reluctantly. The parameters set by MPCB to be complied by the CETP were never under the permissible limits. Nevertheless the Corporation after obtaining approval to DPR from NEERI and incurring heavy

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expenditure on its own of Rs. 73 crores appointed an agency for rehabilitation, up-gradation of the 22.5 MLD CETP and further expansion of the CETP by 5 MLD . Infact upgradation work was carried out on a war-footing basis and Phase II of the CETP of 10 MLD was successfully upgraded and commissioned in July 2019. This Hon'ble Tribunal has already noted the timelines in its order dated 9th April 2019. Infact the Phase I of the CETP is scheduled to be commissioned by November 2019 as per the timelines submitted by MIDC in its affidavit dated 2nd April 2019 and which is recorded in the order dated 9th April 2019. Despite the Corporation removing 4300 MT of sludge settled over a period of 5 years in the non-functioning CETP, and its scientific disposal at CHWTSDF, Taloja, MIDC completed the work of retrofitting and rehabilitation, up-gradation of 10 MLD CETP, simultaneously completing the 80% work of CETP capacity expansion by 5 MLD in a record time of 08 months, providing Viability Gap Funding (VGF) of Rs.17 Crores on behalf of Taloja CETP and taking steps for immediate rectification of the 12.5 MLD CETP and making it fully operational by November 2019, this Hon'ble Tribunal has come down heavily on MIDC. This Hon'ble Tribunal ought to to have appreciated that MIDC has taken up a herculean task of upgrading a CETP which was non performing for more than 5 years.



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7. I say that despite pointing out the steps taken by the Corporation this Hon'ble Tribunal has passed order dated 3rd September 2019 recording that the Respondent Corporation is causing pollution after taking over the CETP and continuing to commit criminal offence under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 in discharging effluents beyond the stipulated norms without considering that the principal of "polluter pays" applies in the present case. This Hon'ble Tribunal has directed the answering respondent to deposit the remaining amount of Rs.3.90 crores as well as an additional amount of Rs. 5 crores for causing pollution after taking over the CETP operation from November 2018 till September 2019 before 30th September 2019 while recording that the salary of the Chief Executive Officer, MIDC, Deputy CEO (Environment), MIDC and Member Secretary, MPCB shall be stopped till compliance.

8. I say that the answering respondent has immediately deposited the compensation of Rs. 5,00,00,000/- vide cheque No. 49242 and Rs. 3,14,12,350/- vide cheque No. 49241 both dated 6th September 2019 drawn on Bank of Maharashtra with the District Magistrate vide its letters dated 6th September 2019 respectively. Annexed hereto and marked as **Exhibit A** and **Exhibit B** are copies of the



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letters dated 6th September 2019 depositing amounts Rs. 5,00,00,000/- and Rs. 3,14,12,350/- respectively.



9. I say and submit that the respondent Corporation has curtailed the water supply of major effluent generating industries from 27.36 MLD to 14.63 MLD i.e. by approximately 50%. It is further submitted that around 6.78 MLD treated effluent as per MPCB consent from major industries meeting MPCB norms is presently segregated and taken separately at the out let of the CETP. Consequently this ensured reducing the effluent discharge upto 10 MLD. This will enable MIDC for restoration of water supply cut of the industries whose effluent meeting disposal norms is segregated, ensuring that the effluent quantity at the inlet of CETP Phase-II restricting to 10 MLD. A true copy of the analytical report in tabular form showing monthly average standard values of the BOD/COD/SS for the period 4th September 2019 to 30th September 2019 is annexed and marked as **Exhibit C**.

10. It is submitted that from the analytical report for the month of September 2019 it is seen that the inlet COD to the CETP is in the increasing trend and may go beyond the inlet design COD value of 2700 mg per litre, then it is apprehended that the entire 10 MLD CETP operations may become stand still due to shock-loadings. It is requested that the regulatory authority may be directed to be ensure the control on the

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inlet parameters at the inlet of CETP. Otherwise every destabilization of the CETP may further take three to four months at each instance to stabilize its operations and development of bacterial culture (MLSS).

11. Thus, in view of the above it is submitted that this Hon'ble Tribunal may consider the compliance and expunge the disparaging remarks against the present deponent as well as the officer of the Corporation (Dy. CEO(Environment) made out in its order dated 3rd September 2019 and issue appropriate orders.

Solemnly affirmed at Mumbai)

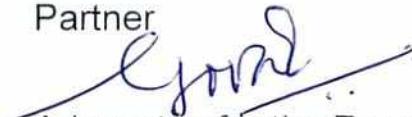
on this 4th day of October 2019.)

DEPONENT



Dr. P. Anbalagan
CEO, MIDC

Little & Co.
Partner



Advocates for the Respondent Nos. 6 & 7

Identified by me: *Shyamali*



VERIFICATION

I, **Dr. P. Anbalagan**, Indian Inhabitant and the Chief Executive Officer of the Respondent Nos. 6 & 7 abovenamed do hereby solemnly declare that what is stated in the above paragraphs of the above Affidavit are true and correct being based on my knowledge, and based on information received by me and believed to be true.

Place: Mumbai.
Date: 4th October 2019.

DEPONENT



Dr. P. Anbalagan
Chief Executive Officer,
MIDC

BEFORE ME

M. H. CHOWDHARY
PUBLIC NOTARY
(GOVT. OF INDIA)

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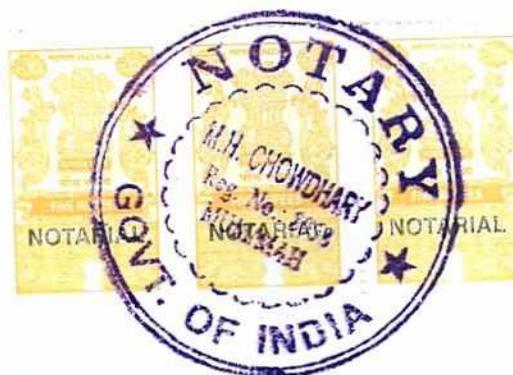
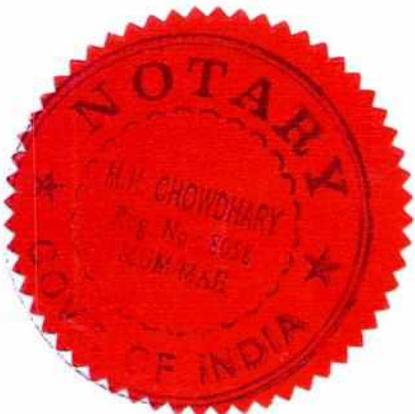


Exhibit A

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

MIDC, Division Office, Nagdoughn, Revas Road, Alibag, Dist: Raigad-402 201
Tel: 02141-222242 / 222257 (0)
e-mail -
alibag@midcindia.org

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No. MIDC/Taloja/NGT Deposll/IFMS- ^{C-97061} /of 2019 Date: 06/09/2019

To,
The Collector,
District-Raigad,
Alibag.

Sub :- Payment towards compensation charges levied by
Hon'ble NGT to Taloja CETP Co-op society Ltd.

Ref:- Hon'ble NGT order dated 03/09/2019

Respected Sir,

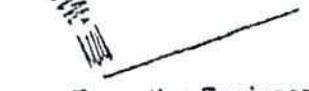
The Hon'ble NGT has directed MIDC to deposit further sum of
Rs.5.0Crores during the hearing of the NGT dated 03/09/2019.

Hon'ble NGT has directed MIDC to recover the this amount from
the member industries and deposit the same with the District Magistrate.

Now we are submitting herewith cheque for the additional
compensation in favour of "District Magistrate", amounting to Rs.5,00,00,000/-
bearing No 49242 drawn on Bank of Maharashtra.

Thanking you,

Yours faithfully



Executive Engineer
M.I.D.C. Division, Alibag

- Copy submitted to the CE(HQ) MIDC, Andheri for favour of information please.
- Copy submitted to the Superintending Engineer(K), MIDC, Panvel for favour of information please.
- Copy to Deputy Engineer, MIDC, Taloja sub Division, Taloja for information and necessary action



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Exhibit B"

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

MIDC, Division Office, Nagdongri, Revus Road, Alibag, Dist. Raigad-402 201
Tel. 02141- 222242 / 222257 (P) e-mail -
cealibaug@midcindia.org

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No. MIDC/Taloja/NGT Deposit/IFMS- ^{C-97066} /of 2019 Date : 06/09/2019

To,
The Collector,
District-Raigad,
Alibag.

Sub :- Payment towards compensation charges levied by
Hon'ble NGT to Taloja CETP Co-op society Ltd.

Ref:- Hon'ble NGT order dated 09/04/2019

Respected Sir,

The Hon'ble NGT has directed Taloja CETP Co-Op Society to deposit an amount of Rs.10Crores towards compensation for non performance of Taloja CETP for last five years. During the hearing of the NGT dated 09/04/2019, counsel for Taloja CETP Society has stated that, an amount of Rs.6.10Crores is deposited with the district Magistrate and the counsel further shown inability to recover the balance amount of Rs.3.90Crores. Therefore, Hon'ble NGT has directed MIDC to recover the balance amount from the member industries and deposit the same with the District Magistrate.

MIDC has uptill now deposited an amount of Rs.75,87,650/- out of balance amount of Rs.3.90Crores. Now we are submitting herewith cheque for the remaining amount in favour of "District Magistrate", amounting to Rs.3,14,12,350/- bearing No 49241 drawn on Bank of Maharashtra.

Thanking you,

 faithfully

Executive Engineer
M.I.D.C. Division, Alibag

- Copy submitted to the CE(HQ) MIDC, Andheri for favour of information please.
- Copy submitted to the Superintending Engineer(K), MIDC, Panvel for favour of information please.
- Copy to Deputy Engineer, MIDC, Taloja sub Division, Taloja for information and necessary action.




20/09/2019

Exhibit C

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Analytical Report of Plant II for Sept-2019

DATE	Inlet Flow (cum/day)	COD (mg/l)		BOD (mg/lit)		pH		TSS (mg/l)		TDS (mg/l)		DO (mg/lit)	MLSS (mg/l)
		Inlet	Outlet	Inlet	Outlet	Inlet	Outlet	Inlet	Outlet	Inlet	Outlet		
01.09.2019	9600	1338	248	420	20	7.1	7.7	180	100	4000	3300	1.7	820
02.09.2019	9600	1082	241	330	21	7.2	7.3	168	76	2850	2050	1.8	700
03.09.2019	9600	1268	244	360	27	7.0	7.1	160	40	1500	800	1.5	720
04.09.2019	9600	1163	237	330	24	6.9	7.1	140	60	2100	1500	1.6	740
05.09.2019	8800	914	220	240	18	7.3	7.3	140	40	1300	900	1.6	300
06.09.2019	9600	1636	238	480	30	6.8	7.4	200	20	1850	1000	1.4	680
07.09.2019	9000	941	229	270	15	6.8	7.4	120	40	1400	1250	1.8	840
08.09.2019	9600	879	207	270	24	7	7.5	100	20	1500	900	1.5	880
09.09.2019	9600	1216	237	360	21	6.8	7.4	160	40	1400	850	1.4	900
10.09.2019	9600	1077	243	330	27	6.8	7.4	140	20	2050	1000	1.6	880
11.09.2019	9400	996	224	300	18	7.8	7.6	80	40	1200	700	1.5	960
12.09.2019	9200	1118	238	330	24	7.7	7.5	120	20	2100	1600	1.5	940
13.09.2019	9600	1217	185	360	15	7.1	7.6	140	20	2700	1350	1.4	1160
14.09.2019	9600	930	224	270	21	7.1	7.8	120	20	2600	1700	1.6	1320
15.09.2019	9200	893	217	270	18	7.2	7.6	120	20	2550	1650	1.4	1080
16.09.2019	9600	947	227	270	15	7.3	7.5	160	40	2650	2000	1.7	1240
17.09.2019	9600	1413	237	420	24	6.2	7.2	180	40	2450	1450	1.5	1280
18.09.2019	9600	1149	244	360	21	6.6	7.3	120	20	2800	2100	1.60	1260
19.09.2019	9244	1102	247	300	18	6.7	7.1	140	20	2750	2200	1.80	1280
20.09.2019	9013	1382	243	420	30	7.4	7.5	160	20	2050	1700	1.7	1680
21.09.2019	9200	1423	238	450	27	7.3	7.5	180	40	1700	1200	1.80	1980
22.09.2019	8600	1868	246	540	12	7.4	7.6	260	60	2800	2000	1.8	1900
23.09.2019	8565	1777	242	540	18	7.4	7.5	280	60	3050	1900	1.8	2100
24.09.2019	8801	1818	248	540	27	7.6	7.5	220	40	3100	2200	1.9	2200
25.09.2019	7902	2490	246	690	18	7.3	7.2	200	40	3000	1750	0.9	2380
26.09.2019	7351	1853	243	570	24	7.2	7.1	140	100	3550	2950	0.8	2900
27.09.2019	7627	2480	240	720	27	7.3	7.2	240	80	3750	1950	0.70	2780
28.09.2019	7850	2383	245			7.1	7	280	60	3400	2000	0.80	2940
29.09.2019	9444	2941	242			7.2	6.9	260	80	3200	2000	0.90	3160
30.09.2019		2933	246			7.1	6.8	300	40	3850	2800	1.10	3800
Min		879	185	240	12	6.2	6.8	80	20	1200	700	0.7	300
Max		2941	248	720	30	7.8	7.8	300	100	4000	3300	1.9	3800
Avg		1514	234	403	22	7.1	7.4	175	45	2513	1711	1.46	1559



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THE NATIONAL GREEN
TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 125 OF
2018
BETWEEN:

MR. ARVIND PUNDALIK
MHATRE APPLICANT

VERSUS

THE MINISTRY OF
ENVIRONMENT AND
FOREST & CLIMATE
CHANGE (UOI) & ORS
..... RESPONDENTS

AFFIDAVIT IN COMPLIANCE TO THE
ORDER DATED 3rd SEPTEMBER 2019 OF
CHIEF EXECUTIVE OFFICER OF
RESPONDENT NOS. 6 AND 7

Dated this 4th day of October 2019.

Little & Co
Advocates for the Respondent
NOS.6 & 7
Mumbai 400 001

