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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

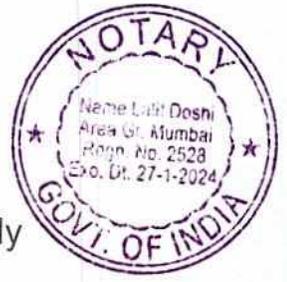
THE MINISTRY OF ENVIRONMENT AND
FOREST & CLIMATE CHANGE (UOI)
& ORSRESPONDENTS

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

I, **Deepak H. Bobade, Deputy Engineer**, of the Maharashtra Industrial Development Corporation (hereinafter referred to as the Corporation/MIDC) and having my office at MIDC Sub-Division, CFC building, Opposite Dena Bank, Taloja, Dist. Raigad do hereby state on solemn affirmation on behalf of Respondent nos. 6 and 7 as under:

1. 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 9th April 2019 passed by this Hon'ble Tribunal.

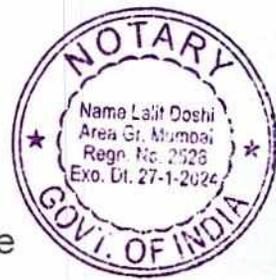
(2)



2. I say that the Corporation has already filed 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 the steps taken by the Corporation.

3. MIDC has facilitated Common Effluent Treatment Plant (CETP) for Taloja Industrial Area having capacity of 22.50 MLD in stages. Maharashtra Pollution Control Board (MPCB) issued directions to MIDC under section 33A of The Water (Prevention & Control Pollution) Act 1974, to take over / appoint expert agencies for Operation and Maintenance of the Taloja CETP. Accordingly, the tenders were invited for Taloja CETP considering up-gradation, rehabilitation and expansion from 22.50 MLD to 27.50 MLD on Design Build basis with O&M for 5 years. The Taloja CETP Co-op Society vide EoGM dated 13/10/2018 has issued consent to MIDC to execute Rehab, Up-gradation, Expansion and O & M of Taloja CETP. MIDC issued work order to execute the work to M/s.KDC-AQUA(JV) on dated 26/10/2018 and the date of start was 01/11/2018 and that of completion of Rehabilitation, Up-gradation and expansion of CETP is 30/11/2019. The agency has started the work from 01/11/2018. As per the suggestions of MPCB, the work started in Phase wise

3



manner. The CETP is comprising of two Phases being Phase I- of 12.5 MLD and Phase II of 10 MLD. The operation of Phase I of the CETP plant is continued.

4. In respect of the Phase I of the CETP the following work was carried out :

4.1. The sludge from the primary tank was entirely removed in the first week of May 2019. 60% Sludge from the aeration tank was removed as well. The removed sludge is disposed at Common Hazardous Waste Treatment Storage and Disposal facility (CHWTSDF) at Taloja for scientific disposal ;

4.2. Four surface floaters are installed in the equalisation tank of Phase 1;

4.3. additional diffusers were installed in the phase 1 aeration tank ;

4.4. Poly aluminium chloride (PAC) dosing was improved ;

5. The Phase -II Plant was put under shut down for rehabilitation, removal of sludge etc . The rehabilitation work included work of :

5.1. structural repairs;

5.2. internal and external painting,

5.3. construction of new platform systems,

(4)



- 5.4. fitting of railings in Stainless Steel,
- 5.5. new clarifier mechanism was installed in primary and secondary tank;
- 5.6. diffuser and retrievals systems were installed in aeration tank.

The aforesaid work was completed in the first week of June 2019 and dry testing was conducted in the last week of June 2019 successfully. The CETP phase II was commissioned in the second week of July 2019.

6. Furthermore, the Corporation has repaired the Decanter system which was not working and its operation was started. Infact the CETP outlet was installed with online monitoring system and the electrical load sanction was obtained upto 3000 kVA for future necessities. Furthermore sludge of 4264 metric ton is removed and disposed to CHWTSDF at Taloja for scientific disposal.
7. In respect Phase III of the CETP i.e expansion of the CETP by 5 MLD, the Environment clearance is obtained on 10th May 2019 and the construction activities have been commenced and the work of aeration tank is completed upto 80 %.
8. In respect of extension of the effluent disposal pipeline from the existing point by 3.3 KMS it is submitted that the work will

(5)



be taken in hand after obtaining the Environmental Clearance from the Ministry of Environment and Forest (MoEF) and Mumbai Maritime Board.

9. Due to torrential monsoon the Phase I and Phase 2 of the CETP shall be kept operational till the second week of September 2019.

10. I say that in respect of compliance to the direction of this Hon'ble Tribunal at paragraph no. 15 of the order dated 9th April 2019 it is submitted that the Corporation vide its letter dated 15th May 2019 requested the CETP Society to inform whether the Society wants to collect the balance amount of Rs. 3.90 crores from the member industries and if such amount is to be collected then information pertaining to member industries was requested. In this regard, the Corporation requested the Taloja CETP Co-op society to furnish following documents:
 - 10.1. The resolution by the Society, regarding recovery of compensation amount by MIDC.
 - 10.2. The details of the working of compensation charges from the individual member industry.
 - 10.3. The details of the amount paid by member industries and balance amount to be paid.

(6)



10.4. The details of the correspondence made with the member industry for payment of the compensation amount

10.5. The details of the further correspondence made with the member industry for nonpayment of the amount.

Annexed hereto and marked as **Exhibit A** is a copy of the letter dated 14th May 2019.

11. I say that thereafter the CETP society vide its letter dated 22nd May 2019 requested the Corporation to collect the balance amount of 3.90 crores from member industries and provided a list of member industries from whom the amount is to be recovered. The list provided was of a total 974 member industries of Taloja CETP. It was seen from the list that out of 974 members, 706 members had not paid full or part compensation amount. Annexed hereto and marked as **Exhibit B** is a copy of the letter dated 22nd May 2019 without its enclosures.

12. I say that the Corporation upon receipt of the list issued notices dated 17th July 2019 to all the 706 member industries to deposit their contribution amount within seven days from receipt of the notice failing which the water supply will be disconnected for contempt of the order dated 9th April 2019 of this Hon'ble Tribunal. I say that one allottee of the answering respondent, Deepak Fertilisers and

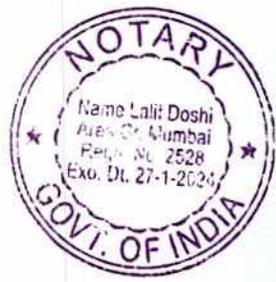
(7)



Petrochemicals Corporation Limited has four separate water connections for its plots plot nos.K-1 to K-8. I say that the answering respondent issued letters dated 17th July 2019 and 5th August 2019 requested payment of Rs. 1,19,26,003/-, Rs. 78,99,111/-, Rs. 94,035/-, Rs. 6,57,982/- totalling to Rs. 2,05,77,131 (two crores five lakhs seventy seven thousand one hundred and thirty one). However till date the payment is not made by Deepak Fertilisers and Petrochemicals Corporation Limited. Annexed hereto and marked as **Exhibit C Collectively** are copies of the letters dated 17th July 2019 and 5th August 2019.

13. I say that in response only 227 members have paid the amount of contribution to the answering respondent upto 20th August 2019 total amounting to Rs.78,89,237/- out of Rs.3,90,00,000/-. I say that it has been pointed out by some major contributing industries that in the order dated 17th August 2018, this Hon'ble Tribunal has directed recovery of the amount from the defaulting industries and as such the industries are not defaulting the norms the amount cannot be recovered from them. Furthermore, the Corporation is also in receipt of representations from member industries those who have Zero Liquid discharge system and are not letting any trade effluent informing that they are not liable to pay any such deposit contribution amount.

8



14. Thus, in view of the above it is submitted that this Hon'ble Tribunal may consider the aforesaid effective steps taken by the Corporation and issue appropriate orders for recovery of the balance contribution amount from member industries reluctant to deposit the amount .

Solemnly affirmed at Mumbai)
on this 28th day of August 2019.)

[Handwritten Signature]
DEPONENT

Deepak H. Bobade,
Deputy Engineer, MIDC

Little & Co.

[Handwritten Signature]

Partner
Advocates for the Respondent Nos. 6 & 7

Identified by me:

Solemnly affirmed
Before me by Shri
Deepak Bobade
On 28-08-2019 *[Handwritten Signature]*
Lalit Doshi
Notary Govt. Of India
Sr. No. 4957 Regn. No. 2528



9



MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)



Office of The Deputy Engineer, MIDC, Sub - Division, CFC
Building, MIDC Industrial Area, Talaja, Dist: Raigad - 410208
Phone No. 022-27412260 / 27411065
Email : detalaja@midcindia.org
Web site: www.midcindia.org

No/DE/TLJ/B-62528/2019
Office of the Deputy Engineer,
MIDC, Talaja Sub Division
Date:- 14/05/2019

To,
The Chairman,
Taloja CETP Co-Op Soc Ltd,
Taloja

Sub:- Taloja CETP compensation to be deposited as per Hon'ble
NGT order dated 09/04/2019

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

Sir,

The Hon'ble NGT has ordered Taloja CETP Co-Op society to deposit an amount of Rs.10.00Crores to the District Magistrate. During the hearing of the NGT dated 09/04/2019, has stated that, an amount of Rs.6.10Crores are deposited with the district Magistrate and your counsel shown inability to recover the balance amount.

The Hon'ble NGT has directed in the order dated 09/04/2019 that, "The remaining amount may be collected and deposited with the district Magistrate by MIDC." In this regards, it is requested to inform whether your society wanted to collect the balance amount of Rs.3.90Crores from the member industries of your society by MIDC.

If the balance amount is to be collected by MIDC then, you are requested to furnish following

1. The resolution by the society, regarding recovery of compensation amount by MIDC.
2. The details of the working of compensation charges from the individual member industry.
3. The details of the amount paid by member industries and balance amount to be paid.
4. The details of the correspondence made with the member industry for payment of the compensation amount
5. The details of the further correspondence made with the member industry for nonpayment of the amount.

Thanking You,

Yours faithfully

(Deepak Bobade)
Deputy Engineer,
MIDC, Talaja Sub Div,

Copy Submitted to the Superintending Engineer (K), MIDC, Panvel for information please.

Copy submitted to the Executive Engineer, MIDC Alibag Division for information please.



10



Taloja CETP Co-op. Society Ltd.

(Reg. No. RGD/PWL/GNL/(O)/509)



Plot No- P-24 & G-8, New Chemical Zone, Taluka Panvel, District Raigad, Pin No- 410 208 | Tel.: 022-2740 2658 / 2740 2659
Telefax : 022-2741 0706. Email: talojacetp@gmail.com | Website : www.talojacetp.com

NO.:TCETP/MIDC/104/2019-20

22nd May 2019

To,
The Deputy Engineer,
Maharashtra Industrial Development Corporation (MIDC)
Sub- Division, Taloja MIDC
Panvel- 410208

Kind Attention :- Mr Deepak Bobade

Subject: - Letter to MIDC in pursuance to collect remaining NGT amount as deposit according to NGT order dtd 17th August 2018 and 9th April 2019

Dear Sir,

In reference to your letter dtd 14/05/2019, we request your good office to collect the balance amount (3.90 Crore) from the member industries of Taloja CETP and deposit it with District Magistrate as per NGT order dtd 9th April 2019

We are hereby mentioning and attaching following documents for your ready reference:-

- 1) The resolution by the society, regarding recovery of compensation amount by MIDC – No resolution was passed as such- Amount was collected on the basis of the NGT order Dtd 17th August 2018 which specifies to deposit 10 Cr
- 2) The details of the working of compensation charges from the individual member industry- we shall E-mail you the Excel sheet maintained by the society , you are requested to acknowledge once received
- 3) The details of the amount paid by member industries and balance amount to be paid- we shall provide you with all the details, you are requested to acknowledge once received
- 4) The details of the correspondence made with the member industry for payment of the compensation – various correspondence were made by Taloja CETP to Member Industries, we will attach sample of aforesaid matter for your ready reference
- 5) The details of the further correspondence made with the member industry for non-payment of the amount – Information shall be provided to your good office by Taloja CETP

Kindly do not hesitate to call undersign if further assistance needed
Thanks and Regards

For Taloja CETP Co-op Society Ltd

M. B. D. Ahire
Mr. B D Ahire
Administrator
9930400495



INWARD NO. 8-72698
DATE 24/05/2019
MIDC TALOJA SUB DN.

Shri. W. G. Patil
Pl. do needful
W. G. Patil
24.05.19

ISO 9001 : 2008, ISO 14001 : 2004, OHSAS 18001 : 2007 Certified

"LET US DETERMINE TO PROTECT GREEN EARTH & CONSERVE IT'S PROSPERITY"



MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)



Office of The Deputy Engineer, MIDC, Sub -- Division, CFC
Building, MIDC Industrial Area, Talaja, Dist: Raigad -- 410208
Phone No. 022-27412260 / 27411065
Email : detalaja@midcindia.org
Web site: www.midcindia.org

C-36918
No/EE(Alibag)/(camp)TLJ/ /2019
Office of the Deputy Engineer,
MIDC, Talaja sub Division
Date:- 17/07/2019

To, M/s. Deepak fertilisers & Petrochemicals Corpn
Plot No. K-1
MIDC, Talaja Indf Area,
Talaja.

Sub:- Disconnection of water supply for nonpayment of compensation to be deposited as per Hon'ble NGT order dated 09/04/2019

Ref:- 1) Hon'ble NGT order dated 09/04/2019.
2) Talaja CETP Co-op Society letter TCETP/MIDC/104 dated 22/05/2019

As you are aware that, the Hon'ble NGT has directed Talaja CETP Co-Op Society to deposit an amount of Rs.10Crores towards compensation for non performance of Talaja CETP for last five years. During the hearing of the NGT dated 09/04/2019, has stated that, an amount of Rs.6.10Crores are deposited with the district Magistrate and the counsel further shown inability to recover the balance amount.



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

In this regards, the Talaja Co-op society vide their consent letter under reference, has informed the list of member industries with their balance amount to be recovered and requested to recover the amount. It is seen that an amount of Rs. 11926003/- is to be paid by you.

Considering the Hon'ble NGT order, you are requested to deposit the above amount within seven days from the receipt of this letter in the Office of the Deputy Engineer, Water supply department, MIDC, Talaja.

If you fail to deposit the said amount, your water supply will be disconnected without further notice, for contempt of the Hon'ble NGT order.

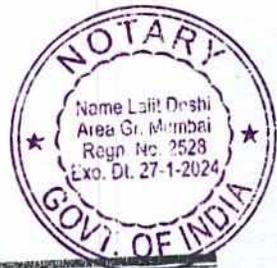
(R. P. Patil)
Executive Engineer,
MIDC, Division, Alibag

- Copy submitted to the Dy.CEO (Env), MIDC HQ, for favour of information please.
- Copy Submitted to the SE(K), MIDC Panvel for favour of information please.
- Copy fwcs to Talaja CETP Co-op Society, MIDC, Talaja for information.
- Copy fwcs to Talaja Manufacturing Association, MIDC Talaja for information.
- Copy fwcs to Talaja Industries Association, MIDC, Talaja fo: information.
- Copy to DE, Talaja(W/S) for information and further needful action.
- Copy to DE, Talaja for information and further needful action..

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)



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Email : detaloja@midcindia.org
Web site: www.midcindia.org



DE/TLJ/CS8329/0f2019
Office of the Deputy Engineer,
MIDC, Sub-Division, Taloja.
Date :- 5/8/19

To,
The Executive Vice President - Operations
M/s. Deepak Fertilisers &
Petrochemicals Corporation Ltd,
Taloja

Sub :- Disconnection of water supply for non-payment of compensation to be deposited as per Hon'ble NGT order dated 09/04/2019.

- Ref:- 1) EE, MIDC's notice No. C36918 dated 17/07/2019
2) Your office letter No. DFPCL/CETP/19-20/15 dated 23/07/2019
3) Hon'ble Supreme Court's order dated 05/03/2019

Sir,

Vide EE MIDC's letter under reference No.1, you have been informed to pay the your contribution amount as furnished by CETP society.

In response to this, you have stated that Hon'ble NGT vide order dated 17th August 2018 mentioned that deposit amount needs to be paid by the defaulting industries.

In this regards as informed by CETP society, it is to state that, the Taloja CETP society had appealed in the Hon'ble Supreme Court. In the application they have prayed to direct MPCB/Monitoring committee to identify

Reliance
[Signature]
8/8/2019

the defaulting industries and to direct MPCB/Monitoring committee to apportion the amount of fine payable by each defaulting industrial units. The application was heard by Hon'ble Supreme Court on 5th March 2019. In the order Hon'ble Supreme Court has stated that, In the alternative it would be for the applicant to collect the amount of fine from its members and deposit the same." (Copy of order attached)

As per the Hon'ble Supreme Court's order, since you are member of Taloja CETP Co-op Society, the fine shall be payable by you and your request for nonpayment of compensation cannot be accepted.

Looking to the above, you are requested to pay the amount informed to you within seven days from receipt of this letter. If you fail to deposit the said amount, your water supply will be disconnected please note.

Thanking you,

Your faithfully

[Handwritten Signature]
Deputy Engineer,
MIDC, Sub Division, Taloja.

Copy submitted to The Superintending Engineer(K), MIDC, for favour of information please.

Copy Submitted to the Executive Engineer, MIDC Division Alibag for favour of information please.



795T
28.08.19

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



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

Dated this 28th day of August 2019.

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