

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 589/2022

Brahmanand Tiwari

.... Applicant

Vs.

State of Maharashtra

.... Respondent (s)



**AFFIDAVIT ON BEHALF OF MAHARASHTRA POLLUTION CONTROL BOARD IN
COMPLIANCE OF ORDER OF THIS HON'BLE TRIBUNAL DATED 16.09.2022.**

I, Dhananjay B Patil, aged about 57 years, occupation - Service, the Regional Officer of the Maharashtra Pollution Control Board at Navi Mumbai, having my office at 7th Floor, Raigad Bhavan, Sector 11, CBD Belapur, MPCB, Navi Mumbai, do hereby state on solemn affirmation as under: -

- (1) I say and submit that, w.r.t. Original Application No. 589/2022 filed by Brahmanand Tiwari, the Hon'ble NGT has constituted a joint committee vide Order dtd. 16/09/2022 comprising members of Regional Office, MoEF & CC Nagpur, CPCB, Municipal Commissioner, Panvel Mahanagar Palika, District Collector and State PCB.



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I further say and submit that, Maharashtra Pollution Control Board, being nodal agency for coordination and compliance has constituted committee vide office order No. MPCB/RO(BMW)B-221003FTS0048 dtd. 03/10/2022 comprising following members:

- (i) Regional Office, MoEF & CC Nagpur.....Member
- (ii) Regional Director, CPCB, Pune.....Member
- (iii) Municipal Commissioner, Panvel Municipal Corporation.....Member
- (iv) District Collector, Raigad.....Member
- (v) Regional Officer, Navi Mumbai.....Member convenor

A copy of office order dated 03/10/2022 is annexed and marked as '**Annexure- A**'

- (2) I say and submit that, 1st meeting of Joint Committee was held on 24.11.2022 and after detail deliberation and reconciling survey of Taloja MIDC, it was decided to have joint inspection cum monitoring on 07/12/2022 & 08/12/2024 and also to issue prior notice/intimation to the applicant to associate with joint committee during/ before the proposed site inspection and provide representation if any, as per liberty granted by this Hon'ble tribunal in its order dated 16/09/2022. I further say and submit that, applicant was informed in this regard byway of E-mail dated 24.11.2022 to associate with the committee on 07.12.2022 at Regional Office of the Board at Raigad Bhavan, CBD Belapur, Navi Mumbai. The copy of the minutes of the meeting of the joint committee and E-mail communication is annexed and collectively marked as '**Annexure - B**'.

I further say and submit that, Joint Committee deliberated in detail on the order passed by this Hon'ble Tribunal dated 16/09/2022 and opined that as the scope of the Joint Committee is voluminous in nature, primarily the progress report may be

filed in this regards and Hon'ble Tribunal may kindly be requested to grant additional time to submit its final report.

- (3) I further say and submit that 2nd meeting Joint Committee was held on 07.12.2022. During meeting Joint Committee members and applicant were present. I say and submit that Applicant has briefed his concerns, mainly regarding air pollution problems due to the industries located at MIDC Taloja, Tal. Panvel, Dist. Raigad and air pollution being faced by the residents located at Kharghar, Roadpali, Navade, Panvel, Belapur and also MIDC Taloja adjacent villages viz. Ghot, Nitlas, Siddhi Karavale, Konavale and Todare; ill effect of air pollution on the residents of these area.
- (4) I say and submit that, Applicant stated that his main concern was about the air and water pollution being caused more specifically due to M/s. Deepak Fertilizer and Petrochemical Limited, MIDC Taloja and hence, it was decided by the joint committee to focus on M/s. Deepak Fertilizer and Petrochemical Limited for the purpose of inspection and monitoring.
- (5) I further say and submit that, Joint committee visited and inspected the M/s. Deepak Fertilizer and Petrochemical Limited and M/s. Smartchem Technologies Ltd (demerged unit) thoroughly on 07/12/2022 and collected samples of effluent stream at inlet and outlet of Effluent Treatment Plant (common between these units) and as well as of source emissions of stacks various attach to various process units on 07.12.2022 and 08.12.2022. Analysis results of the same are awaited.

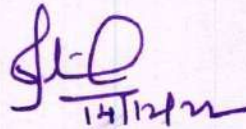
A/B

I say and submit that, various information as handling of raw materials, manufacturing / process details, process parameters, design considerations of pollution control systems, etc., was also sought from the project proponent as apart of exercise of the committee for preparation of comprehensive report. I further say and submit that, some information may take time to be available.

(6) I further say and submit that, as analysis results of the water and air samples are awaited from the Boards laboratory along with the information from the project proponent, as opined by the Joint Committee, it may require additional time for compilation and interpretation of these data, it is most respectfully and humbly requested to this Hon'ble Tribunal to kindly grant additional time of further 8 weeks to the Joint Committee to submit their report before this Hon'ble Tribunal.

Solemnly affirmed at Navi Mumbai on 14th day of December, 2022.

For & on behalf of
Maharashtra Pollution Control Board

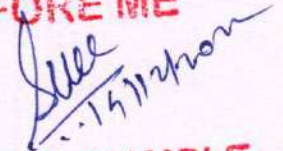


(Dhananjay B Patil)
Regional Officer-Navi Mumbai

Advocate:



BEFORE ME



SURESH N. KAMBLE
ADVOCATE & NOTARY
(Govt. Of India)

Register No.

930/2022

14 DEC 2022

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
 Fax: 24023516/24024068/24044531
 Website: www.mpcb.gov.in



Kalpataru Point, 2nd - 4th Floor
 Opp. Cine Planet Cinema,
 Near Sion Circle, Sion (E)
 Mumbai- 400 022.

Your Service is our duty

NO.MPCB/RO(BMW)/B-2 21003F7S0048

Date: 3/10/2022

Sub :- Constitution of Joint Committee to ascertain factual position in respect of grievance raised by the Applicant in OA No 589 of 2022 filed by Brahmanand Tiwari Vs State of Maharashtra and others before Hon'ble NGT, WZ, Pune

Ref :- Hon'ble NGT Order dated 16.9.2022

.....
 Mr Brahmanand Tiwari, Editor In Chief and Sr Journalist representing a cross section of the press and broadcast media has made complaint about M/s Deepak Fertilizers and Petrochemicals Corporation Ltd. for their monitoring of illegal chemical factories operating in Taloja MIDC.

The Hon'ble NGT has constituted a Joint Committee comprising of following members:-

- | | | |
|------|--|-----------------|
| i) | Regional office,
MoEF & CC, Nagpur, | Member |
| ii) | Regional Director,
Central Pollution Control Board,
Pune | Member |
| iii) | District Collector,
Navi Mumbai | Member |
| iv) | Municipal Commissioner,
Navi Mumbai | Member |
| v) | Regional Officer,
Navi Mumbai | Member convenor |

Terms of reference of the joint committee :-

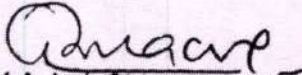
- i) The joint committee shall meet, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents as well as verify factual position and submit its report within one month by email at judicial-ngt@gov.in.
- ii) In case Joint Committee observes any violations of consent conditions environmental norms then the committee shall forward a copy of its report the concerned Project Proponent to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations in the same and file their response before the Hon'ble Tribunal by email at judicial-ngt@gov.in within one month from the date of receipt of a copy of the report of the Joint Committee.
- iii) The Concern Statutory Authorities including Regional Office of MoEF & CC at Nagpur, CPCB, Commissioner, Municipal Corporation of Navi Mumbai, State PCB and Collector, Navi Mumbai to enable them to take appropriate remedial action by giving notice to/ hearing the concerned project proponents and following due process of law in accordance with the Statutory provisions mandating them to take

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remedial action for prevention, control and abatement of environmental pollution/ degradation and for protection and improvement of environment and submit their action taken report by email at judicial-ngt@gov.in. within one month from the date of receipt of the copy of the report of the Joint Committee.

- iv) SPCB is nodal agency for co-ordination and compliance.


(Ashok Shingare, IAS)
Member Secretary

Copy submitted to:-

- i) Regional office, MoEF & CC, Nagpur- for information.
- ii) Regional Director, Central Pollution Control Board, Pune- for information
- iii) Commissioner, Municipal Corporation of Navi Mumbai
- iv) Collector, Navi Mumbai – for information.
- v) RO, Navi Mumbai – He is directed to co-ordinate with the members of the joint committee and provide necessary assistance.

Copy to :-

- i) RO(BMW)/LO(P&L Divn II), MPCB, Mumbai – for information.

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24023516/24024068/24044531

Website: www.mpcb.gov.in

Kalpataru Point, 2nd - 4th Floor
Opp. Cine Planet Cinema,
Near Sion Circle, Sion (E)
Mumbai- 400 022.

Your Service is our duty

NO.MPCB/RO(BMW)/B-22/121- FTS-002

Date: 21/11/2022

Sub :- Constitution of Joint Committee to ascertain factual position in respect of grievance raised by the Applicant in OA No 589 of 2022 filed by Brahmanand Tiwari Vs State of Maharashtra and others before Hon'ble NGT, WZ, Pune

Ref :- 1. Hon'ble NGT Order dated 16.9.2022
2. Board office order vide no. RO(BMW)/B-221003-FTS-0048, dtd. 03.10.2022

.....

Mr. Brahmanand Tiwari, Editor In Chief and Sr Journalist representing a cross section of the press and broadcast media has made complaint about M/s Deepak Fertilizers and Petrochemicals Corporation Ltd. for their monitoring of illegal chemical factories operating in Talaja MIDC.

The Hon'ble NGT has constituted a Joint Committee comprising of following members:-

i)	Regional office, MoEF & CC, Nagpur ,	Member
ii)	Regional Director, Central Pollution Control Board, Pune	Member
iii)	District Collector, Raigad.	Member
iv)	Municipal Commissioner, Panvel.	Member
v)	Regional Officer, Navi Mumbai	Member convenor

Board has issued order vide letter issued by RO(BMW)/B-221003-FTS-0048, dtd. 03.10.2022, wherein Joint Committee Members Sr. No. 3 & 4 District Collector, Navi Mumbai shall be read as District Collector, Raigad & Municipal Commissioner Navi Mumbai shall be read as Commissioner Panvel Municipal Corporation, Panvel.

Terms of reference of the joint committee :-

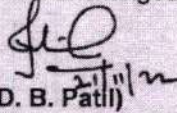
- The joint committee shall meet, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents as well as verify factual position and submit its report within one month by email at judicial-ngt@gov.in.
- In case Joint Committee observes any violations of consent conditions environmental norms then the committee shall forward a copy of its report the concerned Project Proponent to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations in the same and file their response before the Hon'ble Tribunal by email at judicial-ngt@gov.in within one month from the date of receipt of a copy of the report of the Joint Committee.

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- iii) The Concern Statutory Authorities including Regional Office of MoEF & CC at Nagpur, CPCB, Commissioner, Municipal Corporation of Navi Mumbai, State PCB and Collector, Navi Mumbai to enable them to take appropriate remedial action by giving notice to/ hearing the concerned project proponents and following due process of law in accordance with the Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/ degradation and for protection and improvement of environment and submit their action taken report by email at judicial-ngt@gov.in. within one month from the date of receipt of the copy of the report of the Joint Committee.
- iv) SPCB is nodal agency for co-ordination and compliance.

All other terms and conditions of the referred order shall remain unchanged.


(D. B. Patil)

Regional Officer, Navi Mumbai.

Copy submitted to:-

- i) Regional office, MoEF & CC, Nagpur- for information.
- ii) Regional Director, Central Pollution Control Board, Pune- for information
- iii) Commissioner, Municipal Corporation of Panvel.
- iv) Collector, Raigad – for information.
- v) SRO Talaja – He is directed to co-ordinate with the members of the joint committee and provide necessary assistance.

Copy to :-

- i) RO(BMW)/LO(P&L Divn II), MPCB, Mumbai – for information.

Minutes of Meeting of Joint Committee w.r.t. ascertain factual position in respect of grievance raised by the applicant in OA No 589 of 2022 filed by Brahmanand Tiwari Vs State of Maharashtra and others before Hon'ble NGT, WZ Pune

Date: 24/11/2022

Application has filed OA 589/2022 regarding pollution problem in MIDC Taloja. The Hon'ble NGT has constituted a joint committee vide Order dtd. 16/09/2022 comparing following members.

- 1) Regional Office, MoEF & CC Nagpur
- 2) Regional Director, CPCB, Pune
- 3) District Collector, Raigad.
- 4) Municipal Commissioner, Panvel Mahanagar Palika
- 5) Regional Officer, Navi Mumbai.

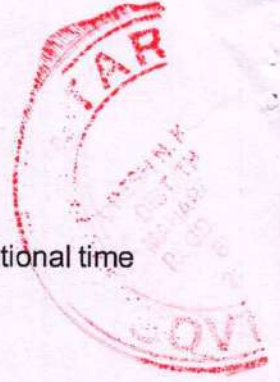
Accordingly, MPCB has constituted committee vide order No. MPCB/RO(BMW)B-221003FTS0048 dtd. 03/10/2022. Joint Committee meet on 24/11/2022. After detail deliberation and reconciling survey of Taloja MIDC, following observations are noted.

1. To issue prior notice/intimation to the applicant to associate with joint committee during the proposed site inspection and provide representation in any.
2. MPCB shall compile the list of industries where non-compliance has been observed w.r.t. emission norms/exceeding of OCEMS norms/Public grievances specialty w.r.t. air pollution and action taken.
3. MPCB shall make suitable arrangement including resource mobilization along with manpower to carry Environmental Monitoring (Source/Process Emission Monitoring). Further prescribed standards during the schedule inspection of joint Committee.
4. Date of joint inspection cum monitoring is schedule on 07/12/2022 & 08/12/2024.
5. The joint committee opined that considering the quantum of work to be carried in order to compile with the aforesaid NGT order, it was decided to submit progress report to Hon'ble NGT by mentioning the various activities being

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carried along with appropriate methodology etc. with prior to seek additional time period of 2 months to submit its final report to Hon'ble NGT.

The meeting ended with vote of Thanks.

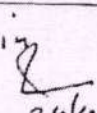
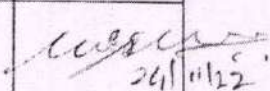
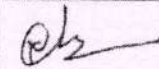
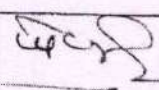


Attendance Sheet

Date: 24/11/2022

Meeting of Joint Committee w.r.t. ascertain factual position in respect of
grievance raised by the applicant in OA No 589 of 2022 filed by Brahmanand
Tiwari Vs State of Maharashtra and others before Hon'ble NGT, WZ Pune

Date: 24/11/2022

Sr. No.	Name & Designation	Department	Mobile No.	e-mail id	Signature
1)	E. Thirunavukarasu Sd. E.	IXD MoEFCC	7290835157	e.thirun@nic.in	 24/11
2)	Nishchal C. Sd. D	C.P.C.B. RD - Pune	97220 17220	nishchal.cpcb @nic.in	 24/11/22
3.	Gawade K.B. Dy. Commissioner	Panvel Corporation	9822253108	kailasgawade 123@gmail.com	
4.	Sanjay	CMR	9156674711		
5.	D B Patil	R.O MPCB. Navi Mumbai	2206622006		
6.	Vijay Talekar	Tahsildev Panvel	9420913932		



Re: Prior intimation to associate with the Joint Committee inspection scheduled on 07/12/2022.... regarding

editor ex7news <editor.ex7news@gmail.com>

Fri 11/25/2022 3:45 PM

To: SRO Taloja <srotaloja@mpcb.gov.in>

Cc: RO Navimumbai <ronavimumbai@mpcb.gov.in>

I will attend the meeting.

On Thu, Nov 24, 2022, 17:27 SRO Taloja <srotaloja@mpcb.gov.in> wrote:

Sir,

This has reference to Hon'ble NGT order dtd 16/09/2022 in OA No. 589/2022. In Compliance to aforesaid order, MPCB has Constituted the Joint Committee vide Order dtd 03/10/2022. Vide para 4 of the aforesaid order, the Hon'ble NGT has granted the liberty to the applicant to associate with Joint Committee. The Joint Committee inspection is scheduled on 07/12/2022.

In this regard it is requested to make it convenient to be present at 11:00 am on 07/12/2022 at MPCB Office, 7th Floor, Raigad Bhavan, CBD Belapur and also associate with the Joint committee during its scheduled inspection.

A line of confirmation in this regard may be communicated to this office through return email as soon as possible.

Regards,

Sachin Adkar

Sub-Regional Officer-NM-III (Taloja)

& Public Information Officer (RTI)

Maharashtra Pollution Control Board

E-mail: srotaloja@mpcb.gov.in

From: SRO Taloja

Sent: Thursday, November 24, 2022 1:56 PM

To: editor@ex7news.in <editor@ex7news.in>

Cc: apccfcentral-ngp-mef@gov.in <apccfcentral-ngp-mef@gov.in>; e.thirun@nic.in <e.thirun@nic.in>;

nischal.cpcb@nic.in <nischal.cpcb@nic.in>; collectorraigad@gmail.com <collectorraigad@gmail.com>;

panvelcorporation@gmail.com <panvelcorporation@gmail.com>; sdo0329@gmail.com <sdo0329@gmail.com>;

Nandkumar Gurav <robmw@mpcb.gov.in>; RO Navimumbai <ronavimumbai@mpcb.gov.in>; Smita Gaikwad

<lo1@mpcb.gov.in>; Tahasil Panvel <tahasilpanvel@gmail.com>

Subject: Prior intimation to associate with the Joint Committee inspection scheduled on 07/12/2022.... regarding

Sir,

This has reference to Hon'ble NGT order dtd 16/09/2022 in OA No. 589/2022. In Compliance to aforesaid order, MPCB has Constituted the Joint Committee vide Order dtd 03/10/2022. Vide para 4 of the aforesaid order, the Hon'ble NGT has granted the liberty to the applicant to associate with Joint Committee. The Joint Committee inspection is scheduled on 07/12/2022.

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13/13

A line of confirmation in this regard may be communicated to this office through return email as soon as possible.

Regards,
Sachin Adkar
Sub-Regional Officer-NM-III (Taloja)
& Public Information Officer (RTI)
Maharashtra Pollution Control Board
E-mail: srotaloja@mpcb.gov.in