



1

THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
INTERIM APPLICATION NO. \_\_ OF 2020

IN

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)  
& ORS .....RESPONDENTS

**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:

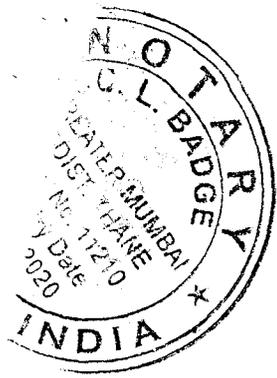
1. I say that I am filing the present affidavit for the limited purpose of opposing the admission of this interim application filed by the applicants and request this Hon'ble Tribunal not



2

to pass any orders without considering the submissions and contents of the present affidavit. I crave leave of this Hon'ble Court to file further affidavit in reply if required. I deny all the allegations made and / or contentions raised in the above interim application though not specifically dealt with by me and traversed herein, which are contrary to and inconsistent with what is stated herein.

2. I say that before I deal with the alleged contentions of the Applicant it is pertinent to note that the CETP having capacity of 22.5 MLD which in Phase I (12.5MLD) and Phase 2 (10 MLD) came into the possession of the Corporation in the last week of October 2018 for rehabilitation, up-gradation and expansion as the CETP 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 that clearly indicates that the Corporation took a gigantic task which is the legacy taken from the Taloja CETP Co-Op. Soc. Ltd (the association running the CETP earlier). I say that corporation has already carried out upgradation work of the CETP in



3

Phase II on a war-footing basis and has successfully upgraded and commissioned Phase II in July 2019. The Phase-2 plant is well stabilized and the outlet parameters are within the prescribed parameter/norms of the MPCB. I say that the sampling conducted by MPCB on 6<sup>th</sup> December 2019, analysis from 6<sup>th</sup> December to 11<sup>th</sup> December 2019 and its reports dated 11<sup>th</sup> December 2019 clearly specify that the outlet parameters of the CETP Phase II is well within the prescribed norms . Annexed hereto and marked as **Exhibit 1** is a copy of the MPCB outlet report dated 11<sup>th</sup> December 2019 specifying that the CETP phase II is well within its prescribed parameters.

3. Thus the contention of the applicant in its application is incorrect that the CETP is non -complying when infact as per the latest reports of the MPCB dated 27<sup>th</sup> January 2020 on its website the CETP is within the permissible COD norms. Annexed hereto and marked as **Exhibit 2** is a copy of the MPCB outlet report dated 27<sup>th</sup> January 2020 specifying that the CETP is well within its prescribed parameters.
4. I say that the CETP of 22.50 MLD is fully functional from 31<sup>st</sup> December 2019 and out of which the Phase-I plant of 10 MLD is already stabilized and the phase-II plant of 12.50 MLD capacity is under stabilization.



I say that the applicant at paragraph nos. 1 to 18 has reiterated certain facts and pointed out to the orders passed by this Hon'ble Court and therefore I am not dealing with the parawise response to the Application. Nevertheless, I deny each and every contention of the applicant which is against the answering respondent in toto.

6. I say that in paragraph no. 19 of the interim application as well as per the prayer of the applicant, the applicant has contended that the Corporation has failed to manage and operate the CETP since the last five years and therefore cost for restoration of the Kasardi River towards environment compensation should be imposed on all industries as well as the respondents including the Corporation as per the order dated 28<sup>th</sup> August 2019 passed in Original Application No. 593 of 2017 filed by Parayvaran Suraksha Samiti & Anr. 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

5



/ septic condition. The electro-mechanical equipments 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 and the rehabilitation work of 12.5 MLD CETP completed & commissioned on 31<sup>st</sup> Dec-2019 i.e. now the CETP of 22.5 MLD is completed & commissioned. MIDC has incurred an expenditure of Rs.43.37 crores till date and total expenditure would be 73.65 crores on Talaja CETP. Hon'ble NGT have already levied total Rs.15 Crores as environmental compensation to Talaja CETP. Out of which Rs.6.10Crores are deposited by Talaja CETP Co-op Soc. Ltd and MIDC deposited balance Rs.8.90 Crores with the district collector for environmental compensation for restoration of Kasardi river. That clearly indicates that the MIDC has taken a gigantic task which is the legacy taken from the Talaja CETP Co-Op Soc. Ltd. Naturally. It is absolutely impossible to comply with this issue of legacy in shortest time span. Even though, MIDC tried hard to make entire 22.50 MLD CETP fully functional by end of December 2019. Considering the above compliances by MIDC, it is submitted there is no need to levy Environmental compensation again on the polluting industries in talaja MIDC.



This Hon'ble Tribunal ought to consider that the Corporation has not only deposited the entire amount of Rs.8.90 crores as compensation as per the orders of this Hon'ble Tribunal but also the Corporation has spent almost Rs. 80.72 Crore in up-gradation of the CETP, remodeling and segregation of effluent collection system, removing huge quantity of 4300 MT settled sludge in various tanks of CETP and its scientific disposal costing Rs 2.79 Crores at CHWTSDf, Taloja, and MIDC has further proposed to incur an expenditure of Rs. 196.65 Crore in the near future, with bonafide intension and sincere efforts to control pollution.

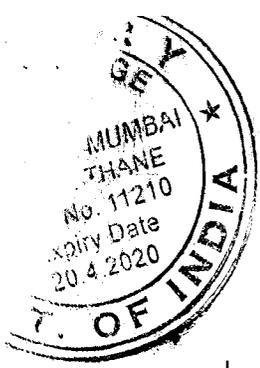
8. Thus, in view of the above it is submitted that this Hon'ble Tribunal may consider the aforesaid effective steps taken by the Corporation and pass appropriate orders in the present application.

Solemnly affirmed at Mumbai )  
on this 14<sup>th</sup> day of February 2020.)

DEPONENT  
  
Deepak H. Bobade,  
Deputy-Engineer, MIDC

Little & Co.  
  
Partner

Advocates for the Respondent Nos. 6 & 7  
Identified by me:



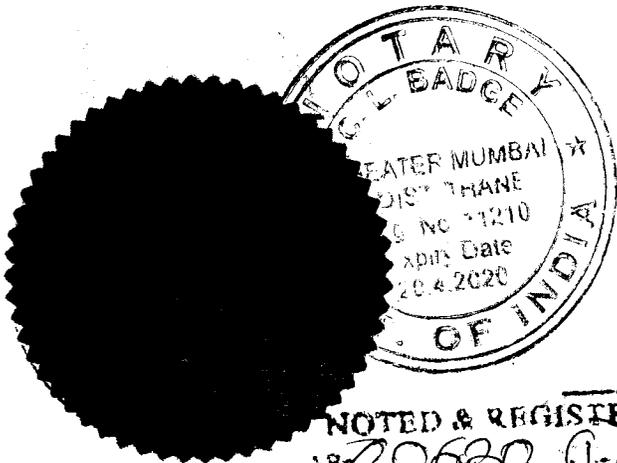
7

VERIFICATION

I, Deepak H. Bobade, Indian Inhabitant and the Deputy Engineer of the Respondent Nos. 6 & 7 above named 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: 14<sup>th</sup> February 2020.

*Deepak H. Bobade*  
14-02-2020  
Adhar Card no. 788768415452  
DEPONENT  
*Deepak H. Bobade*  
14-02-2020  
Deepak H. Bobade  
Deputy Engineer, MIDC

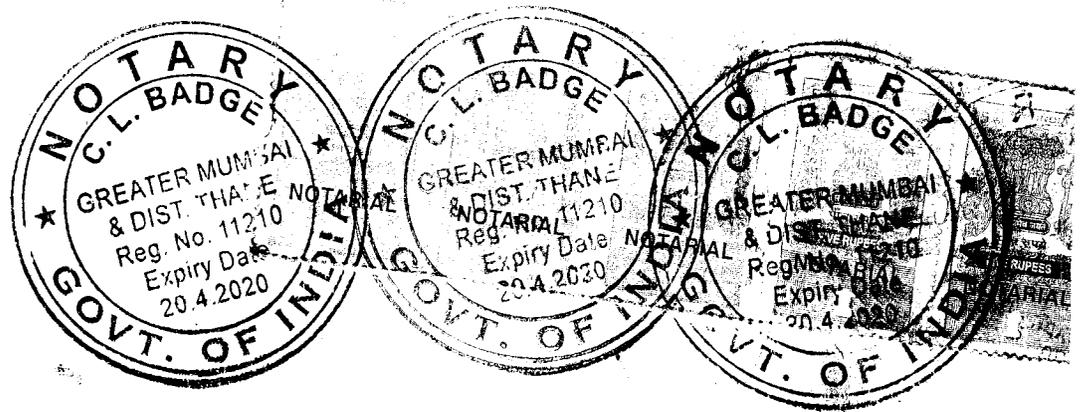


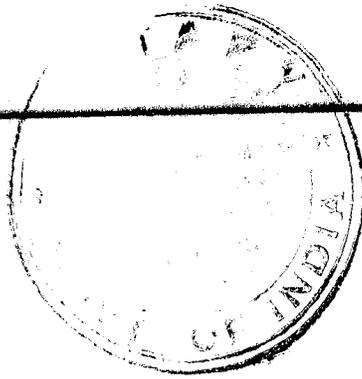
BEFORE ME

*Chakshupal L. Badge*  
CHAKSHUPAL L. BADGE  
B.A., LL.B.  
ADVOCATE HIGH COURT  
NOTARY GOVT. OF INDIA  
Bldg. No. 106/4645 Park Road,  
Ghatkopar (E), Mumbai-400 075

NOTED & REGISTERED  
30.06.2020  
Date 14/02/20

14 FEB 2020





12/12/2019



# Maharashtra Pollution Control Board

FORM 'B'  
(See rule 27)

Report by the State Board Analyst

Report No. C.Lab / LES / DGT / 12 / of 2019

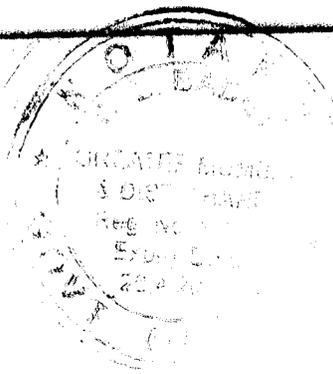
Date : December 11, 2019

I hereby certify that I, DR. DAYANAND G. TARE, State Board analyst duly appointed under sub-section (3) of section 53 of the Water (Prevention and Control) Act, 1974, (6 of 1974) received waste water sample on December 06, 2019 from Mr. Pravin Patil, Field Officer, Sub-Regional Officer, Talaja, M.P.C. Board, bearing Code No. MPCE/SRO/TLJ/LES-19/06, collected on December 05, 2019, at 16:50 hrs. for analysis.

The sample was received in condition fit for analysis in 5.0 liters polymer (plastic) container, and glass bottles with seal intact.

I further certify that, I have analyzed the aforementioned sample from December 06, 2019 to December 11, 2019 and declare the results of analysis as follows:-

Sr. No.	Parameter	Result	Method of analysis
1	pH	07.90	Electrometric APHA 23 <sup>rd</sup> Edition
2	Biochemical Oxygen Demand 3 days 27°C	25.00	IS 3025:1 <sup>st</sup> revision 1993
3	Chemical Oxygen Demand	192.00	Open Reflux, APHA 23 <sup>rd</sup> Edition
4	Oil and Greases	01.00	Gravimetric, APHA 23 <sup>rd</sup> Edition
5	Suspended solids	14.00	Gravimetric, APHA 23 <sup>rd</sup> Edition
6	Total Dissolved Solids	3737.00	Gravimetric, APHA 23 <sup>rd</sup> Edition
7	Ammonical Nitrogen	03.70	Colorimetric, APHA 12 <sup>th</sup> Edition
8	Total Kjeldahl Nitrogen	10.08	Kjeldahl Method, APHA 23 <sup>rd</sup> Edition
9	Phosphate as Phosphorous	04.62	Colorimetric, APHA 23 <sup>rd</sup> Edition
10	Fluoride	00.67	Colorimetric, APHA 23 <sup>rd</sup> Edition
11	Chlorides	1230.00	Argentometric, APHA 23 <sup>rd</sup> Edition
12	Phenolic Compounds	00.01	Colorimetric, APHA 23 <sup>rd</sup> Edition



12/10/2019

9



Sr. No.	Parameter	Result	Method of analysis
13	Sulphides	BDL	Colorimetric, APHA 23 <sup>rd</sup> Edition
14	Chromium Hexavalent	BDL	Colorimetric, APHA 23 <sup>rd</sup> Edition
15	Sulphates	636.00	Turbidimetric, APHA 23 <sup>rd</sup> Edition

Note: All results are in mg/lit except pH

Signed on December 11, 2019.

Central Laboratory  
M.C. Board, Mahape  
Navi Mumbai

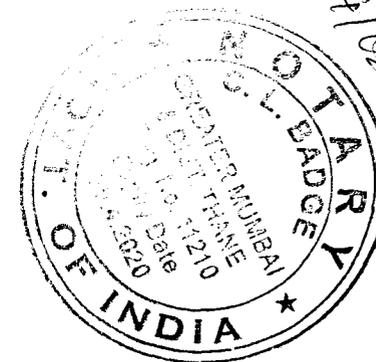
*Dayanand G. Tare*  
DR. DAYANAND G. TARE  
State Board Analyst

To,  
Bhavin Patil  
Field Officer  
SRD, Navi Mumbai-III  
M.C. Board, Navi Mumbai

10

MPCB WEBSITE RESULT DATED 27/01/2020

Date Of Monitoring	Wastewater treated in CETP (MLD)	Wastewater bypassed untreated in the area, if any (MLD)	Status of online CEQMS	Status of hazardous waste storage/ disposal (mt/m)	Inlet (mg/l except pH)					Outlet (mg/l except pH)				
					pH	BOD	COD	SS	TDS	pH	BOD	COD	SS	TDS
2020-01-27	0	0	0	0	7	280	608	188	4064	7.4	110	240	112	5908



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BETWEEN:

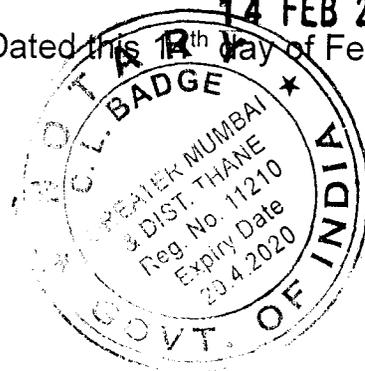
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CHANGE (UOI) & ORS  
..... RESPONDENTS

AFFIDAVIT ON BEHALF OF  
RESPONDENT NOS. 6 AND 7

**14 FEB 2020**  
Dated this 14<sup>th</sup> day of February 2020.



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