

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH , PUNE
ORIGINAL APPLICATION
NO.75/2017**

Vijaysinh Dubbal & Ors

...Applicants

Vs

Maharashtra Pollution Control Board & Ors.

...Respondents

Action Taken Report on behalf of State of Maharashtra

In the aforesaid matter, this Hon'ble Tribunal vide order dated 19/10/2020 directed as under :-

"The Chief Secretary is directed that all the units, which have no authority from the Central Ground Water Authority or NOC from the competent Authority must be sealed immediately and legal / penal action should be initiated. The Chief Secretary is further directed to take remedial measures to check, identify and to regulate the functioning of these units."

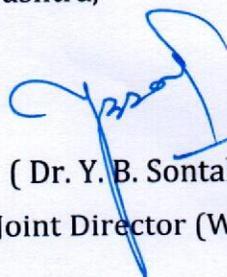
In compliance of this Hon'ble Tribunal Order dtd.19/10/2020, the matter was perused by the Chief Secretary, Government of Maharashtra and Maharashtra Pollution Control Board is filing Action Taken Report on behalf of the Chief Secretary, Government of Maharashtra. Accordingly, the Maharashtra Pollution Control Board has issued Standing Order dated 26/10/2020 to all the Regional Officers and directed them to issue directions to all the Local Bodies in the State of Maharashtra to seal the

units of cool water can, chilled water jar units (plants) doing water selling business falls under their jurisdiction immediately, which are operating without permission / NOC from the Central Ground Water Authority and Food & Drugs Administration as per their jurisdiction and ensure the same. A copy of the Standing Order dated 26/10/2020 is enclosed herewith and marked as an **Annexure-'I'**.

The Regional Officers of the Maharashtra Pollution Control Board have issued directions to the Local Bodies in the State of Maharashtra to seal the units of cool water can, chilled water jar units (plants) doing water selling business immediately, which are operating without permission / NOC from the Central Ground Water Authority and Food & Drugs Administration. A sample copy of the said directions is enclosed herewith and marked as an **Annexure-'II'**.

All the local bodies will be directed to ensure that, the water supplied in cool water can, chilled water jar, such units shall be operated only after obtaining due approval from Food and Drugs Administration and CGWA.

For and on behalf of State of
Maharashtra,


(Dr. Y. B. Sontakke)
Joint Director (Water)
05.11.2020

Place : Mumbai
Date : 05.11.2020

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701

Fax: 24024068 / 24023516

E-mail: jdwater@mpcb.gov.inWebsite: www.mpcb.gov.in

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

No. MPCB/JD(Water)/B-201026-FTS-0182

Date: 27/10/2020

Standing Order

To
The Regional Officer,
Maharashtra Pollution Control Board,
Mumbai/Navi Mumbai/Thane/Kalyan/Pune/Raigad/Nashik/
Aurangabad/Amravati/Kolhapur/Nagpur/Chandrapur.

Sub: -Compliance of Order dated 19/10/2020 passed by Hon'ble National Green Tribunal in Original Application No.75/2017(WZ) filed by Vijaysinh Dubbal & Ors. v/s MPCB & Ors.

Ref: -Directions issued by you to the Local Bodies on 07/10/2020 in compliance of Hon'ble NGT Order dtd.19/06/2020 in the Original Application No.75/2017.

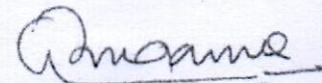
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Vijaysinh Dubbal & Ors. have filed an Application bearing No.75/2017(WZ) against MPCB & Ors. before the Hon'ble NGT, WZ, Pune, regarding manufacturing plants / units of Chilled Drinking Water Jars/Cans without obtaining 'Consent to Operate' and selling of such unpackaged and unsealed Chilled Water Jars/Cans, which are not potable and thus hazardous to health of human beings.

Earlier in compliance of the Hon'ble NGT order dated 19/06/2020, you have issued directions to all the Local Bodies as per your jurisdiction to identify the illegal activities of cool water can, chilled water jar units (plants) doing water selling business falls under their jurisdiction.

Now, the Hon'ble NGT vide Order dtd.19/10/2020 directed that all the units which have no authority from the Central Ground Water Authority and NOC from the Competent Authority, must be sealed immediately.

In compliance of Hon'ble NGT Order dtd.19/10/2020, you are hereby directed to issue directions to all Local Bodies to seal the units immediately, which are operating without permission/NOC from the Central Ground Water Authority and Food & Drugs Administration, as per your jurisdiction and ensure the same.


(Ashok Shingare, IAS)
Member Secretary

Copy to: Joint Director(WPC)/Law Officer(P&L Divn.I), MPCB – for information and necessary follow up.

MAHARASHTRA POLLUTION CONTROL BOARD

Regional Office Nashik

Phone : 0253-2365150
Fax : 0253-2365140
Website: <http://mpcb.gov.in>
E-Mail: ronashik@mpcb.gov.in



Udyog Bhavan, First Floor Trimbak
Road, Near ITI, Satpur,
Nashik-422007..

No : MPCB/Dir./ 191 / 2263

Date :- 29 / 10 /2020.

To,
The Commissioner ,
Municipal Corporation Nashik, Tal.& Dist. Nashik

Sub : Directions under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

- Ref :
- 1) Compliance of Order dated 19/10/2020 passed by Hon'ble National Green Tribunal in Original Application No. 75/2017 (WZ) filed by Vijaysinh Dubbal and Ors. v/s MPCB and Ors.
 - 2) Standing Order issued by M.P.C.Board vide letter no. MPCB/JD(Water)/B-201026-FTS-0182 dtd. 26/10/2020.

WHEREAS, Vijaysinh Dubbal & Ors. have filed an Application bearing no. 75/2017 (WZ) against MPCB & Ors. before the Hon'ble NGT, WZ, Pune, regarding manufacturing plants/units of Chilled Drinking Water Jars/Cans without obtaining 'Consent to Operate' and selling of such unpackaged and unsealed Chilled Water Jars/Cans, which are not potable and thus hazardous to health of Human Beings.

AND WHEREAS, this threat needs to be taken seriously on the background that the water used for chilling and then selling in cans/jars is taken from bore or bore well which can contain various impurities including fungal growth, other hazardous contains like lead, chemicals, solvents etc. More particularly in the nearby areas like CETP, Common Hazardous Waste Treatment, storage and disposal facility, common biomedical waste treatment and disposal/facilities, some of the impurities finding its way into underground and surface water resources. Hence issues related to remediation and restoration measures to bring underground resources to its earlier quality are also involved.

AND WHEREAS, all such units are withdrawing much quantity of groundwater illegally, they do not take permission from Central Groundwater Authority (CGWA); their activities actually lead to not only groundwater depletion but also to contamination, if released wastewater has pollutants.

AND WHEREAS, under the definition of 'food' water which is processed and packed for the purpose of sale for human consumption, also falls in the definition of food and hence it attracts definition in sec. 2 (a) of the Environment Protection Act, 1986.

AND WHEREAS, in compliance of the Hon'ble NGT Order dtd. 19/06/2020, the Maharashtra Pollution Control Board has conveyed a meeting with the Urban Development Department, Food and Drugs Administration and Central Ground Water Authority, Government of Maharashtra on 15/07/2020 through video conferencing and it has been decided that Dy. Secretary, Urban Development Deptt.-2/Directorate of Municipal Administration will collect information from all the Urban Local Bodies (Municipal Corporations, Municipal Councils and Nagar Panchayats).

AND WHEREAS, Directorate of Municipal Administration (DMA) also informed in the meeting held on 15/07/2020 that chilled water jar units are currently licensed by Urban Local Bodies under Shops and Establishment Act and no specific approval related to lifting of ground water is given by the Local Bodies.

AND WHEREAS, as per the revised categorization issued by the Central Pollution Control Board vide letter dtd. 07/03/2016, the mineralized water along with RO Reject is covered at Sr. no. 54 of the final list of the Green Category. However, cool water can, chilled water jar units (plants) does not fall under the purview of the Maharashtra Pollution Control Board.

AND WHEREAS, the Maharashtra Pollution Control Board has issued directions to 433 no's of Municipal Corporations /Zilla Parishad/Municipal Councils/Nagar Panchayats/Cantonment Boards and directed to identify the illegal activities of Cool Water Can, Chilled Water Jar Units (Plants) doing water selling business falls under your jurisdiction and take appropriate action against the said units.

AND WHEREAS, the perusal of the report reveals that illegal activities, activities against the provision of law damage the environment, extracting the groundwater without any authority more than the 100 of units are being done and that too within the purview and eyes of the Municipal/Local Administration. There is none to check whether the quality of water is being supplied is upto the mark or upto the standard or upto the parameter for human consumption of not. It is a very serious matter and may cause adverse effect on human health.

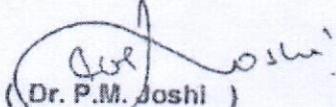
AND WHEREAS, in accordance with standing order issued by M.P.C.B vide letter cited at ref. no. 2, Hon'ble Member Secretary has been directed to identify the illegal activities of cool water can, chilled water jar units (plants) doing water selling business falls under your area of jurisdiction. Units which are operating without permission/ NOC from the Central Ground Water Authority and Food and Drugs Administration must be sealed immediately.

NOW, THEREFORE, you are hereby directed to seal the units of cool water can, chilled water jar units (plants) doing water selling business immediately which are operating without permission/ NOC from the Central Ground Water Authority and Food and Drugs Administration.

You shall submit the compliance report in this regard within a period of 07 days from the date of receipt of these directions.

These directions are issued with the approval of Competent Authority!

FOR AND ON BEHALF OF THE
MAHARASHTRA POLLUTION CONTROL BOARD


(Dr. P.M. Joshi)
Regional Officer, Nashik

29/10/2020

Copy submitted to :-

1. The Hon'ble Member Secretary, MPC Board, Mumbai
2. The Joint Director (APC), MPC Board, Mumbai.
3. The Law Officer (HQ), MPC Board Mumbai.

Copy to :-

Sub-Regional Officer, MPCB, Nashik -You are also directed to serve the copy of Directions to local body and submit the compliance in this regard.