

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**WESTERN ZONE BENCH, PUNE**

EXECUTION APPLICATION NO.        OF 2023  
IN  
ORIGINAL APPLICATION NO. 04 of 2022  
APPEAL NO. 02 of 2023

TANAJI RUIKAR

...APPLICANT

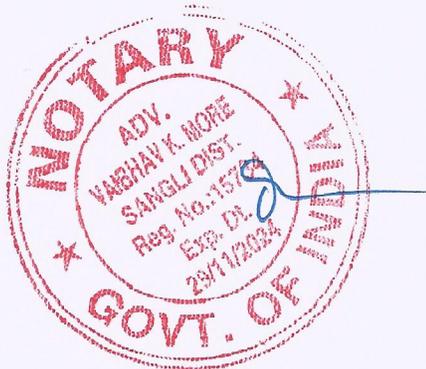
Versus

MHETRE ACCIDENT & MULTISPECIALITY  
HOSPITAL & OTHERS

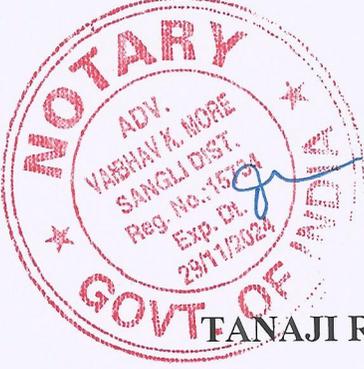
...RESPONDENTS

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Advocate for the Applicant

**BEFORE THE NATIONAL GREEN TRIBUNAL****WESTERN ZONE BENCH, PUNE**

EXECUTION APPLICATION NO.            OF 2023  
 IN  
 ORIGINAL APPLICATION NO. 04 of 2022  
 APPEAL NO. 02 of 2023

TANAJI RUITKAR

...APPLICANT

Versus

MHETRE ACCIDENT & MULTISPECIALITY

HOSPITAL & OTHERS

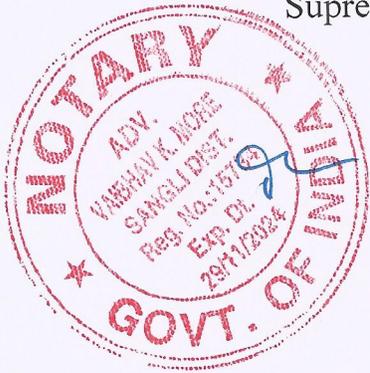
...RESPONDENTS

**ADDITIONAL AFFIDAVIT BY THE APPLICANT****Most Respectfully Showeth :**

1. The present Execution Application is being filed in relation to the non-compliance of Hon'ble Tribunal directions in Original Application No. 04 of 2022 that was decided on dated 11.10.2022 and Appeal No. 02 of 2023 that was decided on dated 04.05.2023.
2. That after filing of the said execution application Applicant has received a notice from the Hon'ble Supreme Court. That the Mahadev Ganpati Mhetre (Mhetre Accident & Multispecialty Hospital) i.e. Respondent No. 1 has filed an Appeal before the Hon'ble Supreme Court having Civil Appeal No. 5957 of 2023 titled as Mahadev Ganpati Mhetre vs. Maharashtra Pollution Control Board and Anr. under Section 22 of the National Green Tribunal Act, 2010 against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 02 of 2023.

(Copy of Civil Appeal No. 5957 of 2023 titled as Mahadev Ganpati Mhetre vs. Maharashtra Pollution Control Board and Anr. is annexed and marked herewith as “Annexure A”)

3. That the said Civil Appeal No. 5957 of 2023 was listed before the Hon’ble Supreme Court on dated 15.09.2023 for hearing and Hon’ble Supreme Court issued following direction :-



*“Delay condoned.*

*Issue notice, returnable in the month of February 2024.*

*Notice will be served by all modes, including dasti.*

*In the meanwhile, it will be open to the authorities to inspect the nursing home/hospital, and file status report before this Court with regard to compliance with the provisions of Environment (Protection) Act, 1986 & Bio-medical Waste Management Rules, 2016.*

*The petitioner - Mahadev Ganpati Mhetre will deposit Rs.20 lakh with authority/respondent no.1 -Maharashtra Pollution Control Board within a period of four weeks from today. On deposit being made, there will be stay of direction of the impugned judgment/order to deposit Rs.50 lakhs. The proceedings in terms of the impugned judgment/order shall continue.”*

(Copy of order dated 15.09.2023 in Civil Appeal No. 5957 of 2023 is annexed and marked herewith as “Annexure B”)

4. That it is pertain to note that, the Respondent No. 1 has filed an Appeal only against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 02 of 2023, but failed to file an appeal against final order/

judgment in the Original Application No. 04 of 2022 that was decided on dated 11.10.2022.

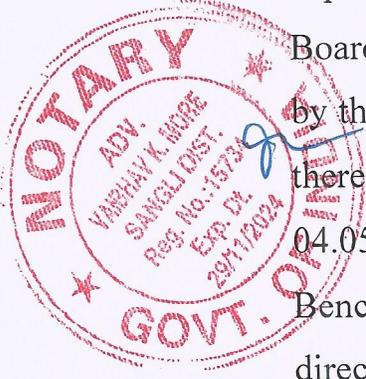
5. That the Respondent No. 1 has not filed an appeal against the order dated 11.10.2022 issued by the Hon'ble NGT in OA No. 04 of 2022 before the Hon'ble Supreme Court, hence said order dated 11.10.2022 is accepted by the Respondent No. 1.
6. That as per the order dated 15.09.2023 issued by the Hon'ble Supreme Court it is directed that the Petitioner (i.e. Respondent No. 1) has to deposit of Rs. 20,00,000/- with the Maharashtra Pollution Control Board, but the Applicant is not aware that the said amount is submitted by the Respondent No. 1. Further after depositing the said amount then there will be stay of direction of the impugned judgment/order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 02 of 2023, but till date there is no stay of direction in respect of the final order/ judgment in the Original Application No. 04 of 2022 that was decided on dated 11.10.2022.

Place: Sangli

Date: 16.10.2023



Advocate for the Applicant



**BEFORE THE NATIONAL GREEN TRIBUNAL****WESTERN ZONE BENCH, PUNE**

EXECUTION APPLICATION NO. OF 2023

IN

ORIGINAL APPLICATION NO. 04 of 2022

APPEAL NO. 02 of 2023

**IN THE MATTER OF:**

TANAJI RUIKAR

...APPLICANT

Versus

MHETRE ACCIDENT &amp; MULTISPECIALITY

HOSPITAL &amp; OTHERS

...RESPONDENTS

**AFFIDAVIT**

I, Tanaji Ruikar, aged 41 years, Occ: Business, R/at Ruikar Wada, Udgaon Ves, Mali Galli, Miraj, District Sangli-416410, do hereby make an oath to swear as under –

1. That I am the Applicant in the present Ececution Application and I am well conversant with the facts and circumstance of the case and competent to file this affidavit.
2. The accompanying additional affidavit filed by Applicant has been drafted under my instruction and the facts mentioned therein are true to my knowledge and the records obtained.

**VERIFICATION**

I, the above named deponent do hereby verify that the contents of Para 1 and 2 of the above affidavit are true to my knowledge.

Hence signed and verified at Sangli on this 16<sup>th</sup> day of October 2023.

ADVOCATE FOR THE APPLICANT

DEPONENT

**Noted & Registered**  
at Serial Numbers 1061/2023

16 OCT 2023

**BEFORE ME,**

**ADV. VAIBHAV K. MORE**  
ADVOCATE & NOTARY  
GOVT. OF INDIA REG. NO. 15734  
SHAMWAR PETH, MIRAJ - 416 410



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 5957 OF 2023

MAHADEV GANPATI  
MHETRE

... Petitioner(s)/Appellant(s)

VERSUS

MAHARASHTRA POLLUTION  
CONTROL BOARD AND  
ANOTHER

... Respondent(s)

To,

1 MAHARASHTRA POLLUTION  
CONTROL BOARD,  
THR REGIONAL DIRECTOR,  
UDYOG BHAVAN, NEAR  
COLLECTOR OFFICE,  
KOLHAPUR - 416003,  
MAHARASHTRA.

PID: 190025/2023 FOR R[1] IN  
C.A. NO.5957/2023 (SEC XVII)

✓ 2 SHRI TANAJI RUIKAR,  
R/O RUIKAR WADA, UDGA VES,  
MALI GALLI, MIRAJ,  
DISTRICT- SANGLI, MAHARASHTRA

PID: 190026/2023 FOR R[2] IN  
C.A. NO.5957/2023 (SEC XVII)

WHEREAS the CIVIL APPEAL with application for EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, STAY APPLICATION, CONDONATION OF DELAY IN REILING / CURING THE DEFECTS above mentioned (copy enclosed) filed in the Registry by Mr. MOHD. ZAHID HUSSAIN , Advocate on behalf of the Appellant above named was listed for hearing before this Court on 15th September, 2023, when the Court was pleased to pass the following order:-

" Delay condoned.

Issue notice, returnable in the month of February 2024.

Notice will be served by all modes, including dasti.

In the meanwhile, it will be open to the authorities to inspect the nursing home/hospital, and file status report before this Court with regard to compliance with the provisions of Environment (Protection) Act, 1986 & Bio-medical Waste Management Rules, 2016.

The petitioner - Mahadev Ganpati Mhetre will deposit Rs. 20 lakh with authority/respondent no.1 -Maharashtra Pollution Control Board within a period of four weeks from today. On deposit being made, there will be stay of direction of the impugned judgment/order to deposit Rs.50 lakhs. The proceedings in terms of the impugned judgment/order shall continue."

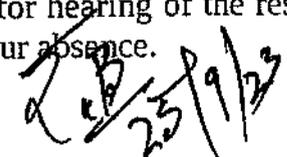
NOW, THEREFORE, TAKE NOTICE that the matter above-mentioned will be posted for hearing before this Court on 02nd February, 2024 at 10.30 O'Clock in the forenoon or

so soon thereafter as may be convenient **66** the Court when you may appear before this Court either in person or through an Advocate-on-record of this Court duly appointed by you and show cause to the Court as to why the appeal may not be allowed.

You may file your affidavit in opposition to the petition as provided under SCR 2013 (as amended) within 30 days from the date of publication of notice or not later than 2 weeks before the date appointed for hearing, whichever be earlier, but shall do so only by setting out the grounds in opposition to the questions of law or grounds set out in the matter and may produce such pleadings and documents filed before the Court against whose order the appeal is filed and shall also set out the grounds for not granting interim order.

TAKE FURTHER NOTICE that if you fail to enter appearance as aforesaid, no further notice shall be given to you even after the grant of Civil appeal for hearing of the resultant appeal and the matter above-mentioned shall be disposed of in your absence.

Dated :22nd September, 2023

  
ASSISTANT REGISTRAR

### Important Notice LEGAL AID

(1) Legal Services of an advocate is provided by the Supreme Court Legal Services Committee and the Supreme Court Middle Income Group Legal Aid Society to eligible litigants.

For further information, please contact the Secretary, Supreme Court Legal Services Committee or the Member Secretary, Supreme Court Middle Income Group Legal Aid Society, 107-108, Lawyers' Chambers, R.K. Jain Block - Near Post Office, Supreme Court Compound, Tilak Marg, New Delhi-110001 (Tel Nos. 011-23116353,23116354 (Additional Building Complex) and 011-23381257 (Front Office))

### MEDIATION

(2) The facility of amicable settlement of disputes by trained mediators in cases pending in the Supreme Court is now available in the Supreme Court.

For further information, please contact the Coordinator, Supreme Court Mediation Centre, 109, Lawyers' Chambers, R.K. Jain Block - Near Post Office, Supreme Court Compound, Tilak Marg, New Delhi-110001 (Tel No. 011-23071432)

28066/2023

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
UNDER SECTION 22 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010

CIVIL APPEAL NO. 5252 OF 2023

(Civil Appeal under Section 22 of the National Green Tribunal Act, 2010 against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ)]

**IN THE MATTER OF:-**

Dr. Mahadev Ganpati Mhetre,  
Through his power of Attorney Holder,  
Shri Pankaj Mahadev Mhetre

...Appellant

Versus

Maharashtra Pollution Control Board & Anr. ..Respondents

**WITH**

I.A.NO. OF 2023

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPY

**AND**

I.A.NO. OF 2023

APPLICATION FOR STAY

**AND**

I.A.NO. OF 2023

APPLICATION FOR CONDONATION OF DELAY IN RE-FILING

(PAPER BOOK)

(FOR INDEX KINDLY SEE INSIDE)

**ADVOCATE FOR THE APPELLANT : MOHD. ZAHID HUSSAIN**

RECORD OF PROCEEDINGS

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20.		

DECLARATION

All defects have been duly cured. Whatever has been added / deleted / modified in the petition is the result of curing of defects and nothing else. Except curing the defects, nothing has been done. Paper books are complete in all respects.

Signature: [Handwritten Signature]

Advocate-on-Record/  
Petitioner(s) in-person Mohd Zahid AUSSIM

Date: 25/7/2023

Contact No. 9596064772

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
UNDER SECTION 22 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010

CIVIL APPEAL NO. OF 2023

IN THE MATTER OF:-

Dr. Mahadev Ganpati Mhetre,  
Through his power of Attorney Holder,  
Shri Pankaj Mahadev Mhetre

...Appellant

Versus

Deputy Collator, Gangapur City

..Respondent

**OFFICE REPORT ON LIMITATION**

1. The Petitioner(s) is/are within time.
2. The Petition is barred by time and there is a delay of      days in filing the same against the order dated 04.05.2023 and petition for condonation of      days has been filed.
3. There is a delay of      days in refiling the Petition and petition for condonation of      days delay has been filed.

BRANCH OFFICER

PLACE: NEW DELHI  
DATED: 20.07.2023

PROFORMA FOR FIRST LISTING  
IN THE SUPREME COURT OF INDIA

Section \_\_\_\_\_

The case pertains to (Please tick/check the correct box):-			
(a).	Central Act: (Title)	Section 22 of the National Green Tribunal Act, 2010	
(b).	Section	NA	
(c).	Central Rule: (Title)	NA	
(d).	Rule No (s)	NA	
(e).	State Act: (Title)	NA	
(f).	Section:-	NA	
(g).	State Rule: (Title)	NA	
(h).	Rule No (s):	NA	
(i).	Impugned Interim order: (Date)	NA	
(j).	Impugned Final order/Decree:(Date)	04.05.2023	
(k).	High court: (Name)	National Green Tribunal, Western Zone Bench, Pune (WZ)	
(l).	Names of judges	Hon'ble Mr. Justice	
(m)	Tribunal/Authority:(Name)	NA	
1.	Nature of matter (Civil/ Criminal)	CIVIL	
2.	(a).	Petitioners name	Dr. Mahadev Ganpati Mhetre
	(b).	E-mail ID:	NA
	(c).	Mobile phone number	NA
3.	(a).	Respondent name	Maharashtra Pollution Control Board
	(b).	E-mail ID:	NA
	(c).	Mobile phone number	NA
4.	(a).	Main category classification:	18 Ordinary Civil matter
	(b).	Sub classification	1807 others
5.	Not to be listed before		NA
6.	(a)	Similar disposed of matter with	No similar matter

A2

	citation, if any & case details	disposed.
b.	Similar matter pending with case details	No similar matter is pending
7.	Criminal matters:-	
	(a). Whether respondent/ convict has surrendered:	NA
	(b). Charge Sheet No.	NA
	Date:	NA
	(c). Police station	NA
	(d). Sentence Awarded	N.A.
	(e). Sentence undergone	N.A.
8.	Land acquisition matters:	NA
	(a). Date of section 4 notification	NA
	(b). Date of section 6 notification	NA
	(c). Date of section 17 notification	NA
9.	Tax matters: State the tax effect:	NA
10.	Special Category	NA
	(first petitioner/ appellant only):	NA
	(a). Senior citizen >65 years	NA
	(b). SC/STATE OF PUNJAB	NA
	(c). Woman/child	NA
	(d). Disable	NA
	(e). Legal Aid case	NA
	(f). In custody	NA
11.	Vehicle number (in case of motor accident claim mater):	NA

Date: 20.07.2023  
New Delhi

  
MOHD. ZAHID HUSSAIN  
Advocate for the Petitioners  
CC 3292  
Email: zahidadv6868@gmail.com

SYNOPSIS AND LIST OF DATES

The appellant is filing the present Appeal under Section 22 of the National Green Tribunal Act, 2010 against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ), whereby the Ld. Tribunal while disposing of the Appeal directed the appellant to deposit an amount of Rs.50,45,625/- as an environmental compensation along with the additional environment compensation which shall also have to be levied on the project proponent by the M.P.C.B. (Respondent No.1 herein). This Penalty is directed to be imposed without taking into consideration 90% compliance reported and duly verified by the Joint Committee.

It is respectfully submitted that the Appeal No. 2 of 2023 was taken up in pre -lunch session at about 12.40 pm on 04.05.2023 at that time the counsel for the appellant had appeared and submitted through Video Conference that he had received reply affidavit filed by the respondent No.1 dated 03.05.2023 at about 10.40 p.m. only therefore he should be granted time to file reply affidavit against the same. But thereafter, the counsel for the appellant was disconnected on account of network issue and the matter

was again taken up at about 2.30 p.m. on 04.05.2023 by the Ld. Tribunal. It is respectfully submitted that there was telephonic intimation to the appellant that the matter will be again taken up on 04.05.2023 at about 2.30 p.m. but, no one could appear on behalf of the appellant side on account of recurring network problem. The Ld. Tribunal however passed an ex-parte order against the appellant without hearing Appellant side & without giving time to counter reply submission to the Affidavit received on earlier day of hearing at 10.40 pm on 03<sup>rd</sup> May, 2023. Therefore, the Appellant should have been allowed to file Counter Affidavit-Reply to the Affidavit filed by the MPCB afresh on 03<sup>rd</sup> May, 2023 for which no time was given by Hon'ble NGT, WZ in spite of request made by Advocate of the Appellant during VC in first session of the hearing on 04<sup>th</sup> May, 2023.

It is respectfully submitted that there is limited grievance of the appellant before this Hon'ble Court that matter may kindly be remanded back to the Ld. Tribunal so that mater may be decided on its own merit in the interest of justice because no evidence was taken into consideration about the substantial compliance reported by the Appellant-Hospital and Straight Jacket Formula of 100% non-compliance was made applicable without considering degree or percentage of compliance.

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It is respectfully submitted that the Ld. Tribunal in para 3 of its impugned order dated 04.05.2023 stated that today, even though we informed that we will take up this matter at 2.30 PM, none has appeared from the side of appellant nor has anyone appeared on his behalf, therefore, we are proceeding to decide this appeal in absence of the appellant, as was already informed to the appellant through passing written message through chat box. In this regard it is stated that appellant could not see the chat box on account of network problem therefore, he could not appear before the Ld. Tribunal through virtual mode.

#### LIST OF DATES

- 1976 The appellant is a medical practitioner and proprietor of Mhetre Hospital at Miraj, District Sangali, Maharashtra. The appellant is practicing as a physician.
- 2001 The appellant commenced nursing home in the year 2001 under the name of style Mhetre Hospital. The initial bed capacity of the hospital was 5 beds thereafter it was increased gradually to 30 beds. Now, the capacity of the hospital is reduced to 22

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beds. It is respectfully submitted that the hospital activities are duly registered under Bombay Nursing Home Act, 1949.

It is stated that in fact it is improbable that the bio medical waste in the form of cotton gauze, syringes, gloves, IV bottles and the like can be thrown in any sewage pipe which do not have a diameter more than 3 inches. The waste was always handed over to the authenticated agency namely Surya Central Treatment Facility for bio medical waste.

31.05.2021 The appellant received certificate of registration under Section 5 of the Bombay Nursing Homes Act, 1949 initially on 05-12-2016 and renewed it from time to time till last renewal granted on 31.05.2021, which is valid up to 31-03-2024. A true copy of the certificate of registration dated 31.05.2021 issued by the Medical Officer Health, Sangali Miraj and KUPWAD City Municipal Corporation.

18.10.2021 No bio medical waste spread / thrown in open area and no sewage or waste water is left in open area. This fact is

confirmed in the report by field officer Mr. Khadakikar from the SRO, MPCB Sangaliduring the spot inspection on 18.10.2021 and during the visit by Joint Committee on 05.04.2022. Therefore, the period after verification of compliance by the Joint Committee appointed by Hon'ble Tribunal should have been excluded from the assessment of environment compensation on the basis of documentary evidence report of Joint Committee appointed by Hon'ble Tribunal.

21.10.2021 The respondent No. 1 issued a letter dated 21.10.2021 to the appellant regarding non compliances / violation observed during the visit of Board Official.

24.10.2021 After visit of MPCB Field Officer, the appellant immediately applied for renewal for bio medical waste authorization on 24.10.2021 with online payment of Rs.12,500/-.

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10.12.2021 The respondent No.1 (MPCB) issued show cause notice dated 10.12.2021 against the appellant's hospital for violation of Bio-Medical Waste (M & H) Rules, 2016.

02.04.2022 The appellant's hospital received work completion certificate dated 02.04.2022 issued by X Metric Water Solutions Pvt. Ltd., District Sangali. A true copy of the work completion certificate dated 02.04.2022. This was verified by the Joint Committee appointed by Hon'ble Tribunal on 05-04-2023.

06.04.2022 The appellant in response to show cause dated 10.12.2021 given his compliance-report to respondent No.1. In the said compliance report the appellant stated that they had already complied with the various statutory requirements. A true copy of the compliance-report dated 06.04.2022 in respect of show cause notice dated 10.12.2021.

18.05.2022 The appellant vide letter dated 18.05.2022 addressed to the Regional Officer, M.P.C.B., Kolhapur and requested that don't take any stringent action against his hospital.

11.10.2022 The Ld. Tribunal passed an order dated 11.10.2022 in Original Application No. 4 of 2022 (WZ) directing the respondent No.1 to calculate the environmental compensation for the period from 31.12.2019 till date i.e. 11.10.2022 without taking into consideration the Written Arguments filed by & on behalf of the Appellant's Advocate in the said Original Application No.04 of 2022WZ well in advance before going on Long Tour in order to avoid any delay in the final disposal of the said O.A. No. 04 of 2022 WZ.and showing absence on the part of the Appellant in the said original application.

24.11.2022 The respondent No.1 in compliance of direction dated 11.10.222 of the Ld. Tribunal, vide order dated 24.11.2022 levied environmental compensation in pursuance of the NGT Order dated 11.10.2022 and directed the appellant to deposit the amount of Rs.50,45,625/- with the Maharashtra Pollution Control Board within 15 days without taking into consideration the steps taken to comply with the visit and inspection report as well as the points raised in the show cause notice without taking into account 90% percentage of compliance except issuance of

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an Combined Consent & BMW-Authorization which was under consideration. A true copy of order dated 24.11.2022 passed by the Maharashtra Pollution Control Board, Regional Office, Kolhapu.r.

26.11.2022 The appellant vide letter dated 26.11.2022 requested the Sub-Regional Officer, M.P.C.B. Sangali that the compensation calculated by MPCB is totally unreasonable and sought information regarding details of calculation because the draft assessment was done by the Appellant himself and was submitted to the MPCB vide Letter dated 20-10-2022, which was not taken into consideration at all. A true copy of the letter dated 26.11. 2022 along with the draft assessment done by the Appellant and submitted to the MPCB for kind consideration .

23.12.2022 The appellant challenged the order dated 24.11.2022 passed by the Respondent No.1 by filing Appeal No. 2 of 2023 before the National Green Tribunal, Western Zone, Pune.

23.01.2023 The appellant preferred a Review Application against the order dated 11.10.2022 passed by the Ld. Tribunal by filing Review

J

Application No. 1 of 2023. The Ld. Tribunal vide order dated 23.01.2023 dismiss the Review Application of the appellant. A true copy of the order dated 23.01.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Review Application No. 1 of 2023.

04.05.2023 The Ld. Tribunal vide its impugned judgment and final order dated 04.05.2023 while disposing of the Appeal directed the appellant to deposit an amount of Rs.50,45,625/- as environmental compensation along with the additional environment compensation which shall also have to be levied from the project proponent by the M.P.C.B. (Respondent No.1 herein).

20.07.2023 Hence the present Civil Appeal.

Item No. 9

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

(WITH HYBRID OPTION)

Appeal No. 02/2023(WZ)

Dr. Mahadev Ganpati Mhetre

.....Appellant

Versus

Maharashtra Pollution Control Board

....Respondent(s)

Date of hearing: 04.05.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Appellant : Mr. Sandeep V. Jamadade, Advocate  
Respondent(s) : Mr. Vilas Jadhav, Advocate for R-1/MPCB  
Mr. Omkar Wangikar, Advocate for R-2/Pvt. Party

**ORDER**

1. The case was taken up in pre-lunch session at about 12:40 P.M. today.
2. From the side of Appellant, learned Counsel Mr. Sandeep V. Jamadade had appeared, who submitted that he had received reply affidavit filed by Respondent No. 1 dated 03.05.2023 yesterday at about 10:40 PM, therefore, he should be granted time to file reply affidavit against the same. But thereafter, he was disconnected and he repeated the same message on chat box, which was responded to by us by saying that we would be sitting at about 02:30 P.M. today, till then he should get his connection restored and convince us on the grounds of appeal, which have been set up by him, irrespective of the fact as to what reply has been given from the side of Respondent No. 1. Instead of appearing before us at about 02:30 PM, no message has been passed on to us nor has anyone appeared from the side of Appellant through Video Conferencing.

We had also directed the Bench Secretary to inform the Appellant directly that no one has appeared on his behalf to represent him but he said that learned Counsel Mr. Sandeep V. Jamadade would be arguing on his behalf.

3. Today, despite the fact that we informed that we will take up this matter at 02:30 P.M., none has appeared from the side of Appellant nor has anyone appeared on his behalf, therefore, we are proceeding to decide this appeal in absence of the Appellant, as was already informed to the Appellant through passing written message through chat box.

4. We also find that on the previous date, none had appeared from the side of Appellant when the Appeal was taken up for final hearing on 14.03.2023.

5. This appeal has been preferred against the order dated 24.11.2022 passed by the MPCB/Respondent No. 1 directing the Appellant to deposit an amount of Rs. 50,45,625/- within 15 days, which has been passed pursuant to this Tribunal's order dated 11.10.2022 passed in Original Application No. 04/2022(WZ) directing the Respondent No. 1 to calculate the environmental compensation for the period from 31.12.2019 till date (date of the passing of the order i.e. 11.10.2022).

6. Against the said order of this Tribunal, a review was preferred bearing Review Application No. 01/2023 by the Appellant, which too was rejected vide order dated 23.01.2023. Therefore, it is apparent that the order dated 11.10.2022 remains un-challenged before any higher authority by the Appellant. Pursuant to the said order, the calculation of above amount has been made on the basis of CPCB Guidelines framed pursuant to the Tribunal's order dated 12.03.2019 passed in Original Application No. 710/2017, which is apparent from the details of the said

report filed by the MPCB, annexed at page nos. 32 to 35 of the paper book. We find that the total number of days, for which violation had been committed, was found to be 1035 days, following the Guidelines laid down by the CPCB for which the said amount appears to have been rightly calculated.

7. We have gone through the grounds, which have been set up by the Appellant, where-in it is submitted that the formula has been blindly applied in the present case, which is only directory and not mandatory in nature. It reflects mechanical approach. The Appellant cannot be subjected to pay compensation for the period of Covid-19 pandemic but no specific period has been mentioned in the Ground no. 3.3 as to which period, he wants to get excluded. The Respondent No. 1 had no power/jurisdiction to impose compensation for period from the date 06.04.2022, which is the date on which the complete compliance documents as to the ETP were submitted by the Appellant to SRO, Sangli. No observations or findings are there to the effect that any threat to human life was there by the activity of the Appellant, which shows complete lack of application of mind while imposing the said amount of compensation.

8. We are of the view that all the grounds, which have been set-up by the Appellant, who was given adequate opportunity to explain the same, as to how they were relevant for any deduction or non-imposing of the environmental compensation but the same was not availed of.

9. As regards the objection regarding the formula being applied blindly, we are of the view that the formula/guidelines, which have been followed by the Respondent No. 1, are prescribed by the CPCB in the light

of the Judgment of this Tribunal, which are being applied in all such type of cases.

10. The only error, which we find in the calculation of environmental compensation, is reflected at page no. 35 of the paper book, where-in N=426 is written while it should have been N=1035, which appears to be a typographical error, which may be ignored because it does not have any adverse impact on final calculation.

11. With regard to ground that complete papers were submitted on 06.04.2022 for permission to be given for establishing ETP, hence no such imposition of environment compensation could have been passed, we do not agree with this contention as well, because simply submission of the papers will not amount to proceeding with the activity, which require permission. The activity at the end of the Appellant should have been put on hold till the said permission was granted. Therefore, we find that violation did happen at the end of the Appellant. There is no error shown in the calculation made in number of days, for which environmental compensation has been computed from the side of Respondent No. 1/MPCB.

12. As regards the exemption for the period when Covid was there, we find that the Appellant is having hospital, which was being run without authorization, which could not be treated to be in the category of such industry, which would remain closed during the prevalence of the Covid, rather hospital is a place which would work round the clock and is expected to be more responsible.

13. In view of above, we find that without taking into consideration the reply which has been submitted by the Respondent No. 1, we do not find any sufficient ground set up by the Appellant in the present appeal.

14. We are also of the view that when this Tribunal had passed order in Original Application No. 04/2022(WZ), dated 11.10.2022 directing the Respondent No. 1 to calculate the compensation for the period given there-in and if the Appellant had any grievance against that, he should have approached the Hon'ble Supreme Court against that order, which the Appellant has not done. It is also clear that even after review having been dismissed against the said order by us, the Appellant did not approach the Hon'ble Supreme Court. Therefore, that order of this Tribunal, pursuant to which the calculation has been made, stands as final.

15. The tactics, which the Appellant appears to be adopting in the present case, is of delaying the disposal of this appeal. We find that not a single penny has been deposited by the Appellant in this case despite the order being passed long back.

16. During argument, the learned Counsel for the Respondent No. 1 has apprised us that CC&A permission has been granted to the Appellant on 17.11.2022 as per document annexed at page no. 137 of the paper book filed by the Appellant.

17. We find that the calculation of environmental compensation has been made only from 31.12.2019 till the date of passing of our order i.e. 11.10.2022, therefore, from that date onwards till 17.11.2022, the additional environmental compensation shall also have to be levied from the Project Proponent by the MPCB by following the same Guidelines, which have been relied upon by them.

18. We direct that if the said amount is not deposited by the Appellant, the Respondent No. 1 shall take all coercive measures to realize the same.

19. A compliance report in this regard shall be submitted before the Registry of this Tribunal within a period of one month from the date of uploading of order.

20. We dispose of this application accordingly.

21. All pending applications, if any, also stand disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 04, 2023  
Appeal No. 02/2023(WZ)  
P.Kr

IN THE SUPREME COURT OF INDIA,  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. OF 2023

Before the Hon'ble  
NGT

Before this  
Hon'ble Court

IN THE MATTER OF:

Dr. Mahadev Ganpati Mhetre,  
Proprietor of Mhetre Hospital,  
Timber Area, Miraj 416 410  
Maharashtra

Through his power of Attorney Holder,  
Shri Pankaj Mahadev Mhetre

Appellant

Appellant

Versus

1. Maharashtra Pollution Control Board,  
The Regional Director,  
Udyog Bhavan, Near Collector Office,  
Kolhapur 416 003,  
Maharashtra

Respondent  
No.1

Respondent  
No.1

2. Shri Tanaji Ruikar  
R/o Ruikar Wada, Udga Ves,  
Mali Galli, Miraj,  
District Sangli, Maharashtra

Respondent  
No.2

Respondent  
No.2

Both are contesting respondents

APPEAL UNDER SECTION 22 OF THE  
NATIONAL GREEN TRIBUNAL ACT, 2010  
AGAINST THE IMPUGNED JUDGMENT AND  
FINAL ORDER DATED 04.05.2023 PASSED BY  
THE NATIONAL GREEN TRIBUNAL, WESTERN  
ZONE BENCH, PUNE IN APPEAL NO. 2 OF 2023  
(WZ)

To

The Hon'ble Chief Justice of India  
And His other Companion Judges  
Of the Supreme Court of India

The Humble Appeal of the Appellant  
Abovenamed

**MOST RESEPECTFULLY SHOWETH:**

1. The appellant is filing the present appeal under Section 22 of the National Green Tribunal Act, 2010 against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ), whereby the Ld. Tribunal while disposing of the Appeal directed the appellant to deposit an amount of Rs.50,45,625/- as an environmental compensation along with the additional environment compensation which shall also have to be levied from the project proponent by the M.P.C.B. (Respondent No.1 herein).
2. That the appellant has not filed any other appeal against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ).

3. **QUESTIONS OF LAW:**

- A. Whether the Ld. Tribunal was justified in passing the impugned order dated 04.05.2023 even without hearing the counsel for the appellant?
- B. Whether the Ld. Tribunal has erred in law in not considering that when the matter was again taken up for hearing on 04.05.2023 at about 2.30 p.m. no one appeared on behalf of the appellant due to poor internet connectivity that when the matter was being again taken up at 2.30 pm on 04.05.2023?
- C. Whether the Ld. Tribunal justified in passing the impugned order dated 04.05.2023 which is in violation of the principle of natural justice?
- D. Whether the impugned order is bad in law and liable to be set aside by this Hon'ble Court in view of the facts and circumstances of the present case?

4. **BRIEF FACTS OF THE CASE:-**

- 4.1. That the appellant is a medical practitioner and proprietor of Mhetre Hospital at Miraj, District Sangli, Maharashtra. The appellant is practicing as a physician.

4.2. That the appellant commenced nursing home in the year 2001 under the name of style Mhetre Hospital. The initial bed capacity of the hospital was 5 beds thereafter it was increased gradually to 30 beds. Now, the capacity of the hospital is reduced to 22 beds. It is respectfully submitted that the hospital activities are dully registered under Bombay Nursing Home Act, 1949.

It is stated that in fact it is improbable that the bio medical waste in the form of cotton gauze, syringes, gloves, IV bottles and the like can be thrown in any sewage pipe which do not have a diameter more than 3 inches. The waste was always handed over to the authenticated agency namely Surya Central Treatment Facility for bio medical waste.

4.3. The appellant received certificate of registration under Section 5 of the Bombay Nursing Homes Act, 1949 initially on 05-12-2016 and renewed it from time to time till last renewal granted on 31.05.2021, which is valid up to 31-03-2024. A true copy of the certificate of registration dated 31.05.2021 issued by the Medical Officer Health, Sangli Miraj and KUPWAD City Municipal Corporation is annexed as Annexure A-1 (pages 23 to ).

- 4.4. That no bio medical waste spread / thrown in open area and no sewage or waste water is left in open area. This fact is confirmed in the report by field officer Mr. Khadakikar from the SRO, MPCB Sangli during the spot inspection on 18.10.2021 and during the visit by Joint Committee on 05.04.2022.
- 4.5. That the respondent No. 1 issued a letter dated 21.10.2021 to the appellant regarding non compliances / violation observed during the visit of Board Official. A true copy of the letter dated 21.10.2021 is annexed as Annexure A-2 (pages 24 to 26 ).
- 4.6. That after visit of MPCB Field Officer, the appellant immediately applied for renewal of the Bio Medical Waste Authorization on 24.10.2021 with online payment of Rs.12,500/-.
- 4.7. That the respondent No.1 (MPCB) issued show cause notice dated 10.12.2021 against the appellant's hospital for violation of Bio-Medical Waste (M & H) Rules, 2016. A true copy of the show cause notice dated 10.12.2021 is annexed as Annexure A-3 (pages 27 to 28 ).
- 4.8. That the appellant's hospital received work completion certificate dated 02.04.2022 issued by X Metric Water Solutions Pvt. Ltd.,

District Sangli. A true copy of the work completion certificate dated 02.04.2022 is annexed as Annexure A-4 (pages 29 to 52).

4.9. That the appellant in response to show cause dated 10.12.2021 given his compliance to respondent No.1. In the said compliance report the appellant stated that they had already complied with the various statutory requirements. The Joint Committee appointed by Hon'ble Tribunal has also verified compliance on 05-04-2022 and submitted its Report to Hon'ble NGT, WZ, Pune. However, these 90% compliances except issuance of Combined Consent & BMW-Authorization were not taken into consideration. A true copy of the Joint Committee Report dated 05.04.2022 with Appellant's Compliance report dated 06.04.2022 in respect of show cause notice dated 10.12.2021 are annexed as Annexure A-5 (pages 53 to 66).

4.10. That the appellant vide letter dated 18.05.2022 addressed to the Regional Officer, M.P.C.B., Kolhapur requested that do not take any stringent action against his hospital. However, this was not taken into consideration. A true copy of the letter dated 18.05.2022 is annexed as Annexure A-6 (pages 67 to 79).

4.11. That the Ld. Tribunal passed an order dated 11.10.2022 in Original Application No. 4 of 2022 (WZ) directing the respondent No.1 to calculate the environmental compensation for the period from 31.12.2019 till date i.e. 11.10.2022.

The Ld. Tribunal passed an order dated 11.10.2022 in Original Application No. 4 of 2022 (WZ) directing the respondent No.1 to calculate the environmental compensation for the period from 31.12.2019 till date i.e. 11.10.2022, without taking into consideration the Written Arguments filed by & on behalf of the Appellant's Advocate in the said Original Application No.04 of 2022WZ well in advance before going on Long Tour in order to avoid any delay in the final disposal of the said O.No. 04 of 2022 WZ. and showing absence on the part of the Appellant in the said original application.

4.12. That the respondent No.1 in compliance of direction dated 11.10.2022 of the Ld. Tribunal, vide order dated 24.11.2022 levied environmental compensation in pursuance of the NGT Order dated 11.10.2022 and directed the appellant to deposit the amount of Rs.50,45,625/- to the Maharashtra Pollution Control Board within 15 days without taking into consideration substantial 90% compliance reported by the

Appellant except non-issuance of Combined Consent & BMW-Authorization (CCA), which was issued very late on 17-11-2022. It was also duly verified by the Joint Committee appointed by Hon'ble NGT, WZ, Pune. A true copy of order dated 24.11.2022 passed by the Maharashtra Pollution Control Board, Regional Office, Kolhapur is annexed as Annexure A-7 (pages 80 to ).

- 4.13. The appellant vide letter dated 26.11.2022 requested the Sub-Regional Officer, M.P.C.B. Sangli that the compensation calculated by MPCB is totally unreasonable and sought information regarding details of calculation because the draft assessment was done by the Appellant himself and was submitted to the MPCB vide Letter dated 20-10-2022, which was not taken into consideration at all. The Appellant would like to rely up on the Circular issued by the Respondent-MPCB for imposition of penal charges for delayed making application for renewal of consent dated 12<sup>th</sup> July, 2022, thereby operating the activity without valid Consent to Operate of the Board and applying after lapse of validity period. In fact, during the COVID-19 period, the Central & State Government allowed to establish and operate a no of Health Care Establishment even without obtaining consents and other

permissions like Environmental Clearances also. The copy of the MPCB-Circular dated 12<sup>th</sup> July, 2022 is issued after COVID-19 pandemic situation is over and while imposing penal charges was not at all followed and unreasonable assessment of fine is imposed. A true copy of the letter dated 26.11.2022 along with the draft assessment done by the Appellant and submitted to the MPCB is annexed as Annexure A-8 (pages 81 to ).

4.14. That the appellant challenged the order dated 24.11.2022 passed by the Respondent No.1 by filing Appeal No. 2 of 2023 before the National Green Tribunal, Western Zone, Pune.

4.15. That the appellant preferred a Review Applying against the order dated 11.10.2022 passed by the Ld. Tribunal by filing Review Application No. 1 of 2023. The Ld. Tribunal vide order dated 23.01.2023 dismiss the Review Application of the appellant. A true copy of the order dated 23.01.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Review Application No. 1 of 2023 is annexed as Annexure A-9. (pages 82 to 82).

4.16. That the Ld. Tribunal vide its impugned judgment and final order dated 04.05.2023 while disposing of the Appeal directed the appellant

to deposit an amount of Rs.50,45,625/- as environmental compensation along with the additional environment compensation which shall also have to be levied from the project proponent by the M.P.C.B. (Respondent No.1 herein).

5. That the appellant is therefore filing the present appeal on the following amongst others:

**GROUND**

- A. For that the Ld. Tribunal ought to have considered that the Appeal was taken up in pre -lunch session at about 12.40 pm on 04.05.2023 at that time the counsel for the appellant had appeared through Video Conference and submitted that he had received reply affidavit filed by the respondent No.1 dated 03.05.2023 at about 10.40 p.m. only therefore he should be granted time to file reply affidavit against the same. But thereafter, the counsel for the appellant was disconnected and the matter was again taken up at about 2.30 p.m. on 04.05.2023 by the Ld. Tribunal. It is respectfully submitted that there was telephonic information or intimation to the appellant that the matter will be again taken up on 04.05.2023 at about 2.30 p.m. However, no one has appeared on behalf of the appellant side on account of

network problems and the Ld. Tribunal passed ex-parte order against the appellant. In fact, it is unreasonable observation in the said Order dated 04-05-2023 that during the period for which an CCA not obtained the Appellant should have closed down its operation when all the Hospital irrespective of any permissions were granted concession to operate their hospitals/clinics to cope up with pressure of Covid-19 pandemic situation and to give immediate relief to pick level of patients admitted to the Hospital. Therefore, State Govt had issued circular to that effect.

- B. For that there is limited grievance of the appellant before this Hon'ble Court that matter may be remanded back to the Ld. Tribunal so that mater may be decided on its own merit in the interest of justice.
- C. For that the Ld. Tribunal in para 3 of its impugned order dated 04.05.2023 stated that today, despite the fact that we informed that we will take up this matter at 2.30 PM, none has appeared from the side of appellant nor has anyone appeared on his behalf, therefore, we are proceeding to decide this appeal in absence of the appellant, as was already informed to the appellant through passing written message through chat box. In this regard it is stated that appellant could not

see the chat box on account of the network -issues therefore, he could not appear before the Ld. Tribunal through virtual mode.

- D. For that the Ld. Tribunal ought to have considered that there is a mechanical approach on the part of the respondent No.1 in not holding that the appellant cannot be saddled with compensation during Covid-19 Pandemic period and for the period before 10.12.2021 when the Show Cause Notice was issued.
- E. For that the Ld. Tribunal ought to have considered that there is no legal authority and jurisdiction with the joint director to refuse / to delay the renewal the permission for disposal of bio medical waste and consent, when all the necessary compliances have been made by the appellant.

It is respectfully submitted that the respondent has no power / jurisdiction to impose compensation for period from the dates 05-04-2022, when the Joint Committee has verified the compliance & on 06.04.2022 which is the date on which the complete compliances documents as to ETP were submitted by the appellant to SRO, Sangli.

- F. For that the Ld. Tribunal ought to have considered that the order dated 24.11.2022 passed by the Respondent No. 1 is based on flimsy grounds. It is stated that the serious consequences of the order vis a vis the nature of the facts and the ground is not considered. There is no observations or findings as to any threat to human life, invitation to risk or danger to human life on account of alleged failures, lapses are made in the order dated 24.11.2022.
- G. For that it is was the duty on the part of the respondent to consider the difficulties which was beyond the control and bonafides of the appellant, therefore, the environmental compensation imposed by the respondent No.1 is on very higher side.
- H. For the otherwise, the impugned order is bad in law and liable to be set aside by this Hon'ble Court in the interest of justice.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) admit and allow the appeal and set aside the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ) in the interest of justice; and

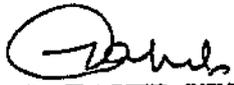
- b) remand back the matter to the National Green Tribunal, Western Zone Bench, Pune for disposal of Appeal No. 2 of 2023 (WZ) in the interest of justice; and
- c) pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPELLANT IS DUTY BOUND SHALL EVER PRAY

Drawn by

[PANKAJ KUMAR SINGH]  
Advocate

Filed by

  
[MOHD. ZAHID HUSSAIN]  
Advocate for the appellant

New Delhi

Drawn on: 12.07.2023

Filed on: 20.07.2023

Noted & Registered  
 At Serial Number

10/28/2023

21

IN THE SUPREME COURT OF INDIA,

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2023

IN THE MATTER OF:

Dr. Mahadev Ganpati Mhetre,  
 Through his power of Attorney Holder,  
 Shri Pankaj Mahadev Mhetre

Appellant

Versus

Maharashtra Pollution Control Board & Anr.

Respondents

AFFIDAVIT

I, Pankaj Mahadev Mhetre S/o Dr. Mahadev Ganpati Mhetre,  
 Proprietor of Mhetre Hospital, Timber Area, Miraj 416 410 Maharashtra, do  
 hereby solemnly affirm and declare as under:



1. That I the Power of Attorney Holder of the petitioner in the above-mentioned Appeal and as such am fully conversant with the facts and circumstances of the case hence, competent to swear this affidavit.

2. That I have read and understood the contents of the accompanying Synopsis and List of Dates (pages B to J), Civil Appeal Paras 1 to 5 (pages 7 to 2) and I.As. (pages 89 to 92), which have been

11.2. JUL 2023/

22

drafted by my counsel under my instructions and the contents thereof are true and correct to the best of my knowledge and belief.

- 3. That the Annexure annexed with the appeal are true copies of their respective originals.

*[Signature]*  
**PROPRIETOR**  
**DEPONENT**

**VERIFICATION:**

Verified at 12 on this the day of July, 2023, that the contents of the above affidavit are true and correct to the best of my knowledge, belief and nothing material has been concealed there from.

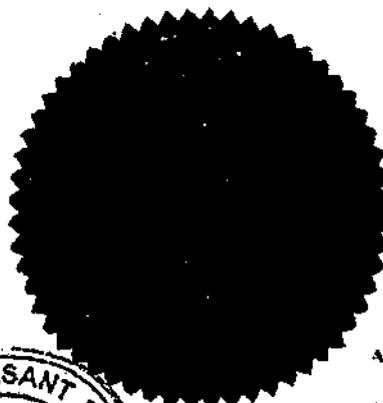


**MNH FRE HCSPITAL**  
*[Signature]*  
**PROPRIETOR**  
**DEPONENT**

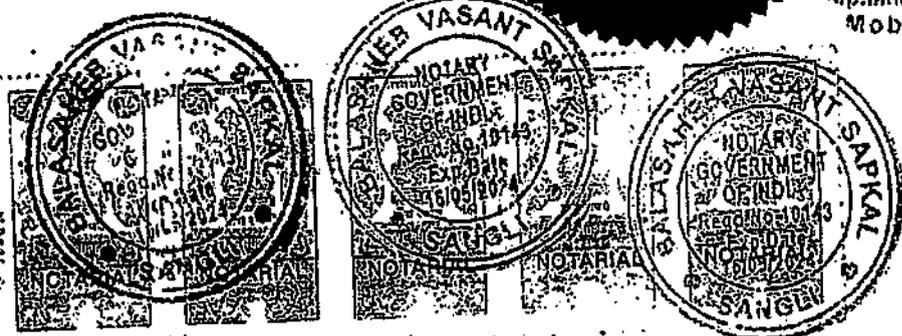
Solemnly affirmed before me by Shri... *[Signature]* Mahadev Mahadev who is identified before me by shri ... whom I Personally Known

**BEFORE ME**

11 2. JUL 2023



*[Signature]*  
 Adv. B. V. SAPKAL  
 Notary Government of India  
 Reg.No.10143  
 Np.Mhalsai, Tal.Miraj, Dist.Sangli  
 Mob.No 9890322101



## Annexure - P-1

**SANGLI MIRAJ & KUPWAD CITY MUNICIPAL CORPORATION**  
**FORM 'C'**

(See Rule 5)

Certificate of Registration under section 5 of the Bombay Nursing Homes  
Registration Act 1949

No.302

This is to Certify that Shri / Smt Dr. Mahadev Ganpatrao Mhetre  
has been registered under the Bombay Nursing Homes Registration Act. 1949 in  
respect of

" Mhetre Hospital "

(Here insert the name of the Nursing Home.)

Situated at Miraj and has been authorised to carry on the said  
nursing home.

No. of Bed's for Other Patient - 30 Bed's

No. of Bed's for Manternity Patient - 00 Bed's

Registration No. 302

From 14/10/2022

Date of Registration 5/12/2016

Total Bed

- 8 Bed's

22 Bed's

*M. M. M.*  
Medical Health Officer  
Public Health  
Sangli Miraj & Kupwad C  
Corporation.

Place Timbar Area, Miraj

Date of issue of certificate 31/05/2021

This certificate of registration shall be valid upto 31st March 2024

MEDICAL OFFICER OF HEALTH, SANGLI MIRAJ & KUPWAD CITY MUNICIPAL  
CORPORATION (Here insert the name of Local Supervising Authority.)



*M. M. M.*  
Signature of the registering authority.  
Medical Health Officer.  
Public Health  
Sangli Miraj & Kupwad City  
Corporation.

Ph. No. (0233) 2672032 (0233) 2675932 E-mail:- <a href="mailto:srosangli@mpcb.gov.in">srosangli@mpcb.gov.in</a> Website - <a href="http://www.mpcb.gov.in">www.mpcb.gov.in</a>		Address:- Sub Regional Office, Sangli Udyog Bhavan, Behind Tata Petrol Pump, Vishrambag, Sangli - 416415.  "Your service is our Duty"
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24

No. MPC/SROSNGLI/WN- 2110210001/21. Date:- 21/10/2021

To,  
 M/s. Mhetre Hospital,  
 Timber area / Vakhar Bhag, Miraj,  
 Dist. Sangli.

**Sub:** Regarding Non compliances / violation observed during the visit of Board official w.r.t. the provisions of Bio-Medical Waste Management Rules, 2016....

- Ref:**
- 1] Bio medical waste Authorization issued on 13.06.2017 which was valid for the period up to 31.12.2019.
  - 2] Complaint received of Shri. Tanaji Ruikar, Zilha sangharsh samiti, Sangli regarding Pollution caused by your hospital (dtd 11.10.2021).
  - 3] Visit of the Board official to your hospital on 18.10.2021.

.....

It is to inform you that, Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India has notified, Water (Prevention and Control of Pollution), Act, 1974 for prevention and control of water pollution and the maintaining or restoring of wholesomeness of water and Air (Prevention and Control of Pollution), Act, 1981 for prevention, control and abatement of air pollution.

Ministry of Environment, Forest and Climate Change (MoEFCC), Govt. of India in exercise of the powers conferred u/s. 6, 8 & 25 of Environment (Protection) Act, 1986 has notified the Bio-Medical Waste Management Rules, 2016, which is subsequently amended from time to time. Maharashtra Pollution Control Board is the Prescribed Authority for the enforcement of Bio-Medical Waste Management Rules, 2016, as amended from time to time for Maharashtra state.

It is obligatory on the part of every Occupier / Hospital / HCE's generating Bio-medical waste to obtain prior Bio Medical Waste Authorization under Rule 8 of the said Rules, by making online application to the prescribed authority accompanied by a fee (if applicable) as prescribed by the State Government of Maharashtra. Also, it is mandatory on your part to comply the conditions stipulated in Bio medical Waste Authorization issued by the Board for the activity situated at the above said address. According to the Rule, every hospital shall scientifically segregate, isolated store and dispose Bio medical waste to the concerned Common Bio medical waste Treatment, Storage & Disposal facility alongwith maintain the record on daily basis.

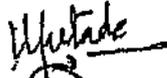
This office is in receipt of complaint of Shri. Tanaji Ruikar, Zilha Sangharsh Samiti, Sangli regarding pollution caused by your hospital and also in operation without obtaining prior bio medical waste authorization (as per above ref. no. 2). Accordingly, to investigate the matter, Board official alongwith hospital representative jointly visited your hospital on 18.10.2021. During the visit following non compliances have been observed:-

- [1] You have not provided separate isolated / storage arrangement for final storage of Bio medical waste. Segregation of bio medical waste carried out under Red and Yellow bags only. Not provided Blue and White bags for storage of category-wise waste.

- (2) As per record of this office, Bio medical waste authorization was expired / valid till 31.12.2019, you have failed to renew the said authorization and now operating the hospital without obtaining valid bio medical waste authorization.
- (3) You have not provided treatment for the waste water generated from hospital, pathology laboratory activity. Also, not maintained the record regarding liquid waste/ bio medical waste disposal.
- (4) Record regarding Bio medical waste annual report, Daily Bio medical waste generation/ its disposal, training provided to the staff; valid bio medical waste authorization etc.. not maintained.
- (5) You are having membership of CBMWTSDF, Sangli for scientific disposal of Bio medical waste, but, record regarding daily disposal of Bio medical waste not maintained.
- (6) It is mandatory on your part to provide training to all the staff which are dealing / handling bio medical waste. You have failed to comply the same.

From the above non compliances, It indicate your negligent attitude towards implementation and management as per Bio-Medical Waste Management Rules, 2016.

You are instructed to submit the point-wise reply on above non compliances within seven days period after receipt of this letter. Failure to this, it will be presumed that you have nothing to say and suitable legal action will be initiated/ recommended against your hospital under the provisions of Environmental Laws, which may be noted.

  
(N. S. Awatade)  
Sub - Regional Officer,  
M.P.C. Board, Sangli

Copy submitted for Information to:-  
The Regional Officer, M.P.C. Board, Kolhapur.



Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

26

Thank you. Your payment has been successfully received with following details.

**Transaction Receipt**

Transaction Status:	Success
Transaction Reference no:	WISB0365740837
Transaction no:	TXN2110002336
Transaction On:	24-10-2021 21:58:01
Payment For:	MPCB-BMW_AUTH-0000037739
Email:	dmahadevi@metre@gmail.com
Mobile no:	9600934433
Amount:	12500.00 INR

MANFRE HOSPITAL

*[Signature]*  
PROPRIETOR

**MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE, KOLHAPUR.**

27

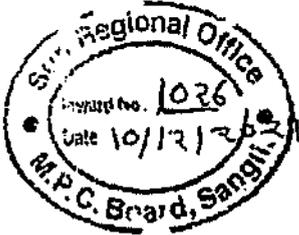
Tel. No. (0231) 2652952, 2660448 Fax No. (0231) 2652952. E-mail: <a href="mailto:rokolhapur@yahoo.com">rokolhapur@yahoo.com</a>	 "Your Service Is Our Duty"	Udyog Bhavan, Near Collector Office, Kolhapur - 416 003. Website: <a href="http://mpcb.mah.nic.in">http://mpcb.mah.nic.in</a>
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MPCB/RO/KOP/SCN/ 2112100004

Date: 10.12.2021.

To,  
 M/s. Mhetre Hospital  
 Vakhar Bhag, A/p. Miraj,  
 Tal. Miraj, Dist. Sangli.

Sub:- **SHOW CAUSE NOTICE** for violation of Bio-Medical  
 Waste ( M & H ) Rules, 2016.



- Ref:-
1. Notification issued by the MOEF, GOI, New Delhi No. SO- 630(E) Dtd. 29-07-1998.
  2. Directive of the Honorable High Court.
  3. News published in the Daily News papers "Loksatta" regarding illegal disposal of BMW of hospital, in municipal solid waste on 01/10/2020
  4. Visit of Board Officials dated 18.10.2021.
  5. Proposal submitted by SRO Sangli.

Whereas, the Ministry of Environment & Forests, Govt of India in exercise of powers conferred under Environment ( Protection ) Act, 1986 has notified the Bio-Medical Waste ( Management and Handling ) Rules, 2016.

WHEREAS, you are operating your HCE in 'Pollution Prevention Area' declared under Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008.

AND WHEREAS, Board has granted to you authorization under Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008

AND WHEREAS, it is obligatory on your part to provide full fledged segregation, storage, transport treatment & disposal of Bio medical waste generated from health centre & to operate the same round the clock so as to achieve the authorization standards prescribed by the Board under Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control

*Imp FO (K)  
 serve to Hospital  
 with acknowledgment  
 10/12/21*

of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008 as well as Environment Protection act 1986.

AND WHEREAS, the Board officials of SRO Sangli office has submitted the proposal for initiating necessary action under the Environment ( Protection ) Act, 1986 has notified the Bio-Medical Waste ( Management and Handling ) Rules, 2016.

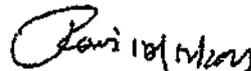
AND WHEREAS, Board Officials visited your HCE for investigating the complaint as per ref no (4) and observed following non compliances.

1. You are operating your HCE unit without obtaining valid Authorization from the Board and yet not applied for the same.
2. You have not provided STP/ ETP for the effluent generated through the HCE and discharging the untreated effluent in to Municipal sewer system.
3. You have failed to submit BMW Annual Report within stipulated period.
4. During visit it is noticed that you were not segregating the BMW waste scientifically.
5. You have not provided separate scientific storage room for BMW Waste.
6. Record keeping of the generation, Storage and disposal of the BMW Waste.
7. Your HCE unit is not segregating/ storing the BMW/ MSW Waste generated as per colour coding of the Bags.

AND WHEREAS, after examining the report of your case, I am satisfied that you are not serious about compliance of Bio Medical Waste ( M & H ) Rule knowingly and will full operating your HCE without causing adverse effect on the human health and surrounding environment

NOW THEREFORE, you are hereby directed to Show Cause as to why legal action shall not be initiated against your Health Care Establishment under the provisions of the Environment ( Protection ) Act, 1986 for the above non compliance.

Your reply/objection if any in this regard should reach to this office with 5 days from the date receipt of this office, failing which the Board will have no option than to initiate legal action under the above enactments against your hospital, which may be noted.



( Ravindra Andhale )  
Regional Officer, Kolhapur.

Copy to-

1. The Principal Scientific Officer, M.P.C. Board, Mumbai.
2. Sub Regional Officer, M.P.C. Board, Sangli.  
- For further follow up & you are directed to serve the notice to HCE. & submit the compliance within stipulated period.


**XMETRIC WATER SOLUTIONS PVT LTD.** XMETRIC  
Water Solutions Pvt. Ltd.

Ref.: - XWT/2004/02

Date: - 02.04.2022

To,

Mhetre Accident & Multispeciality Hospital,  
 Timber Area, Miraj

**WORK COMPLETION CERTIFICATE**

With reference to above subject, We would like to inform you that we had successfully completed Design, Supply, Erection, Testing & commissioning of all Electromechanical Equipment's of 1KLD Effluent Treatment Plant & 9KLD Sewage Treatment Plant at your Mhetre Accident & Multispeciality Hospital, Timber Area, Miraj. Along with this letter, we are handing over this plant to your team for further operation.

We will assure our best services in future also.

This is for your information & Necessary record.

Authorised Signatory,



Head Office :- Xmetric Water Solutions Pvt. Ltd., Plot No.231, Hanumannagar, Shiye, MIDC, Shirol, Kolhapur  
 Branch Office :- Xmetric Farms, A/p.:-Kakadwadi, Tal.:- Miraj, Dist.:- Sangli  
 C-130, Vighnaharta Park, Anmol Nagari, Garibachwada, Dombivli (W), Thane - 421202  
 A -10, World of Mother, Behind Jai Ganesh Vision, Akurdi, Pune  
 Mobile :- 096.1110708, 09834294513

**JOINT INSPECTION REPORT IN COMPLIANCE WITH  
THE HON'BLE NATIONAL GREEN TRIBUNAL, PUNE (WZ).  
ORDER DATED. 18-02-2022**

**IN  
ORIGINAL APPLICATION NO. 04/2022**

30

**Tanaji ruikar**

**– Applicant.**

**Vs.**

**Mhetre Accident & Multispeciality Hospital.  
Timber Area, Fort Area, Miraj, Tal-Miraj,  
Dist-Sangli. Maharashtra-416410. & Ors**

**-- Respondents.**

Shri. Tanaji Ruikar has filed OA No 04/2022 before the Hon'ble National Green Tribunal Pune (WZ) & raised issue about the non-compliance of Bio-Medical Wastes Management Rules, 2016, Hazardous and Others Wastes (Management and Transboundary Movement) Rules, 2016, running hospital without valid consent from the MPCB and discharging untreated waste water/effluents into the municipal corporation drain.

In compliance of this Hon'ble Tribunal order dated 18.2.2022, in O.A No. 04/2022, the Joint Committee has been formed consisting of the following members.

- i) Shri. Sameer Shingate, ...Member  
Sub Divisional Officer,  
Miraj Sub-Division, Miraj.  
Representative of Hon'ble District Collector, Sangli.
- ii) Shri. Navanath S. Awatade, ....Member  
Sub-Regional Officer,  
Maharashtra Pollution Control Board, Sangli  
(Respondent- 5 & 6).

Accordingly, the Joint Committee has visited the sites of Mhetre Accident & Multispecialty Hospital, Timber Area, Fort Area, Miraj, Tal-Miraj, Dist-Sangli. Maharashtra-416410 on 05-04-2022. A copy of Joint Inspection Report of Committee is enclosed and marked as Annexure-I. During the inspection of said hospital the joint committee has made following observation:-

115

Annexure - P-5

!! श्री ज्योतिर्लिंग प्रसन्न !!

Hosp :2222875

(0233) Resi : :2223456

MHETRE HOSPITAL  
(SHIV CLINIC)

Timber Area, MIRAJ - 416 410. (Dist. Sangli)

डॉ. मधुकर म्हेत्रे  
एम.बी.बी.एस.

रजि. नं. २९९०५

Ref.: - XM/2204/0477

Dr. M. G. MHETRE

M.B.B.S.

Reg. No. 29905

Date : - 06.04.2022

To

- 1) The SRO,  
MPCB, Sangali  
srosangali@mpcb.gov.in
- 2) R.O.,  
MPCB, Kolhapur  
rokolhapur@mpcb.gov.in

Subject- Compliance in respect of Show Cause Notice dated 10-12-2021

Respected Sir,

1) We have received your show cause notice dated 10-12-21 on 14/12/21. We have immediately started taking steps to comply with the points raised in your notice. Due to pandemic situations and on account of our personal COVID positive signs we require certain time to report compliance of all the points raised in your notice immediately.

2) However, we had already complied with the various statutory requirements as under:

a) We have already joined our sewage to the sewerage line of Miraj - Sangali Municipal Corporation since long w. e. from 2001-2002. The documentary proof or photograph of joining of sewerage line is enclosed for ready reference. (Annexure-1) We have connected our sewage to the municipal sewerage line as per the prevailing practices at the time of establishment.

b) We have also taken the Membership of the CBMWTSDF, Sangali with effect from 01/04/2022 to 30/09/2022 A copy of the Membership is enclosed as an Annexure-2.

c) We do have disinfection facility of ETP & STP before discharging hospital effluent to the sewerage line.

d) We are regularly sending our biomedical waste after due segregation to the CBMWTSDF at Sangali.

3) We have taken following effective steps to comply with your notice :

i) We had already applied for the BMW- Authorization on 24/10/2021 during the visit of the MPCB - Official, certain points for compliance have been brought to our notice and accordingly, we have immediately appointed expert consultant to provide separate STP & Treatment Plant and other arrangements. A copy of his work order is enclosed for information. (Annexure-3)

ii) We have now completed sewage & effluent treatment plant with disinfection arrangements. The consultant has given us completion certificate in all respect. He has reported that Treatment Facilities to treat sewage and effluent to achieve standards of EPA is provided and completed, of which successful trial runs taken. His report of completion with Photographs is enclosed for record. (Annexure-4) We have

# 116

!! श्री ज्योतिर्लिंग प्रसन्न !!

Hosp :2222875  
(0233) Resi : :2223456

**MHETRE HOSPITAL  
(SHIV CLINIC)**

Timber Area, MIRAJ - 416 410. (Dist. Sangli)

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डॉ. मधुकर म्हेत्रे  
एम.बी.बी.एस.  
रजि. नं. २९९०५

**Dr. M. G. MHETRE**  
M.B.B.S.  
Reg. No. 29905

already having septic tank followed by soak pit arrangements as per the then prevailing practices adopted at the time of the establishment. Therefore, we were not discharging any substandard effluent. We have already disinfection facility long back of Sodium Hypochloite.

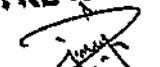
iii) We were sending daily segregated waste to CBMWTSDf, Sangali. Record of sending of BMW to CBMWTSDf, Sangali for the period 1-4-2021 to 25-3-22 is enclosed (Annexure-5)

iv) We have provided separate storage for BMW segregation, and management. Photograph is enclosed.(Annexure-6)

v) We have now started colour coded bags, which were not available in pandemic period.

Hence you are requested to verify compliance & grant authorization and consent and consider grant of Consent & Authorization.

Thanking You  
Yours truly

**MHETRE HOSPITAL**  
  
**PROPRIETOR**

07

MHETRE HOSPITAL  
(SERV CLINIC)

11th Bar Area (MRA) - 116310 (Kha. Sangli)

File No. 22274/2022  
Date: 22/2/22

[Redacted]

33

डॉ. महेत्र महेत्रे  
[Redacted]  
[Redacted]  
Ref: MH/2205/0186

Dr. M.G. MHETRE  
M.B.B.S.  
Reg. No. 2995  
Date: 18.09.2022

To  
Regional Officer,  
MPCB, Kolhapur

Subject: Reply for our proposed directions as per your Letter No. MPCB/RO/KOP/PD/220510001 dated 13.05.2022.

Respected Sir,

With reference to above subject, we have received your above letter for proposed directions under Environment Act 1986. We wish to clear that we are always committed towards environment and therefore following are our actions for your observations:

- 1) We had BMW authorization certificate valid 30.09.2022.
- 2) We had provided separate room for storage of Biomedical waste. Photograph of same are attached.
- 3) We had stored BMW bins as per MPCB official's instructions. Photograph of same are attached.
- 4) We had provided ETP & STP Plants for treatment of wastewater generated from hospital. Photograph of same are attached. Also analysis reports of same are attached.
- 5) We had provided color coded bags for BMW storage in pathology lab. Photograph of same are attached.
- 6) We had submitted BMW returns. Same are attached.
- 7) We had provided stock as per MPCB standard. Photograph of same are attached.
- 8) We had given training to our staff for BMW handling.

Also please find attached joint inspection report of sub-divisional officer, Minj & Sub Regional officer, MPCB Sangli dated 05.07.2022.

Hence, we request you to don't take any stringent action against us as we are blinded with all environmental laws and we will follow them strictly. Please do the needful.

We are enclosing herewith compliances submitted in reply to the application filed before Hon'ble NGT. Please depute concerned officer to verify compliances.

M.H.ETRE HOSPITAL

Sr. Clerk, [Redacted]  
Pollution Control Board  
Sangli

M.H.ETRE HOSPITAL

Incineration



सुर्या सेंट्रल ट्रिगमेट फॅसिलिटी  
फॉर बायोमेट्रिकल वेस्ट

सुर्या सेंट्रल फॅसिलिटी (सुर्या सेंट्रल) विंगेट, १९९२, एम.आर. मिरा, ४०१०१२, महाराष्ट्र  
MPCB Authorization No./Format: F.O./BO/RSO/CO-1007000004  
Certificate No.: M/822/2021/22

18  
34

प्रमाणपत्र

१) वैद्यकीय/स्वास्थ्यसंस्थाचे नाव - Dr. J. G. Mabehe  
२) हॉस्पिटलचे नाव - Mabehe Hospital  
३) एका - At - Miraj Area Miraj  
Tel - Miraj Dist - Sangli  
४) हॉस्पिटलमधील बेडसची एकूण संख्या - 30 - thirty

उपरोक्त संस्थेत उत्पन्न होणाऱ्या वैद्यकीय कचऱ्याची (Incineration) व इतर प्रक्रिया करण्यासाठी प्रकल्पसूची भेजा जाता.

प्रमाणपत्राची वैधता - हे प्रमाणपत्र फक्त Beded HCFs साठी.  
एकूण बेडसंख्या 30 - thirty साठी वैध राईल.

प्रमाणपत्राची वैधता मुदत  
दि. 01/04/2022 ते 30/09/2022 पर्यंत हे प्रमाणपत्र वैध राईल.

अधिक कचरा उपरोक्त संस्थेत विला जाणार नाही किंवा वेगवेगळ्या ठिकाणी तसेच गुल्लक दिले जाईल तर या प्रमाणपत्राची वैधता रद्द केली जाईल व तात्काळ संचयित प्रमाणपत्रांना आदिती कळविली जाईल.

प्रमाणपत्र विल्याची तारीख - 06/04/2022  
प्रकल्प अधिकारी Zaghara Rajeev Kon



भा. १३० (१) अन्वये, संप्रसादनपर (सहती) वीकनवच, वि. सं. १९९२/१९९३  
सांगली, फोन: ०२१३६-२२०५६१, २२०६१७५  
ई-मेल: एम.आर.एम.सी. मिराज, वि. सांगली  
सुर्या सेंट्रल ट्रिगमेट फॅसिलिटी  
वैद्यकीय कचरा निर्मूलन प्रकल्प

MIRAJ HOSPITAL

38/55

**Surya Central Treatment Facility for Bio Medical Waste  
Bio Medical Waste (Management & Handling) Rules 1998 & Revised  
Rules 2016, 2018, 2019**

MPCB Authorization No. Format 10/E.O./PSO/CC-190/000904  
Certificate No. H/822/2021-22

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**CERTIFICATE**

- 1 Name of the Medical Practitioner - Dr. Mahadev Ganpatrao Mhetre
- 2 Name of the Hospital - Mhetre Hospital
- 3 Address - Vakharbhag, Miraj, Tal. Miraj, Dist. Sangli
- 4 Total number of Beds in the Hospital - 30

Bio medical waste incineration collected from the abovementioned Hospital are delivered to Project site for other process.

**Important Note** - This Certificate is valid only for Bedded HCFs and Total Bed No. 30.

**Certificate is valid for the period** -

This Certificate is valid for the period of dt. 01.04.2022 to 30.09.2022

If the Bio Medical waste is and shall not be given/delivered/handed over to the abovementioned Hospital, the validity of this Certificate shall be cancelled and this shall be informed to Government immediately.

**Certificate delivered on** -

06.04.2022

Off - Kore Lawns, Sahyognagar,  
Near Sphurti Chowk, Vishrambag,  
Sangli. Ph - 0233-2302561, 2305975

**Stamp & Sign**

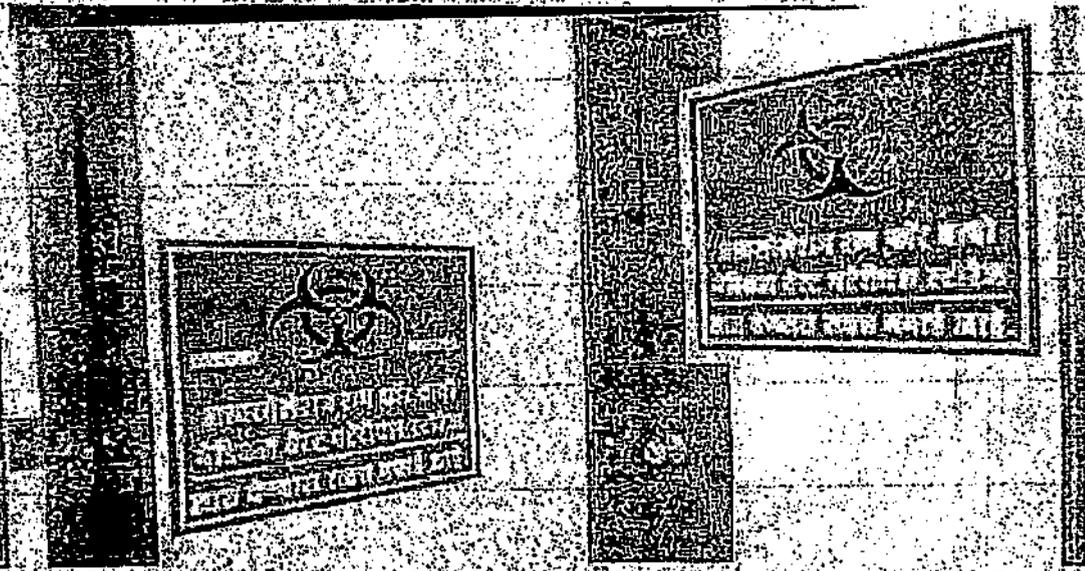
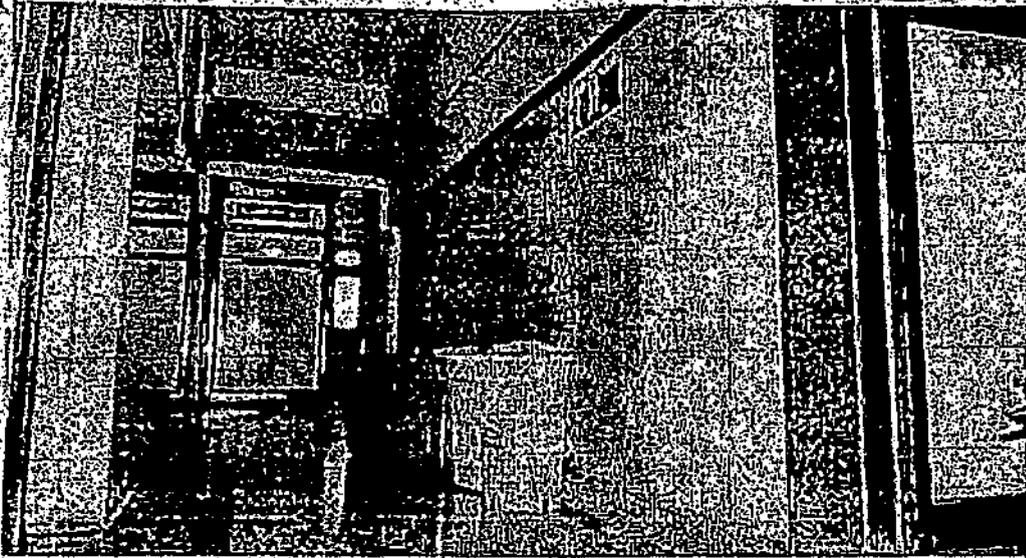
Project Officer

Surya Central Treatment  
Facility

Bio Medical Waste

Eradication Project

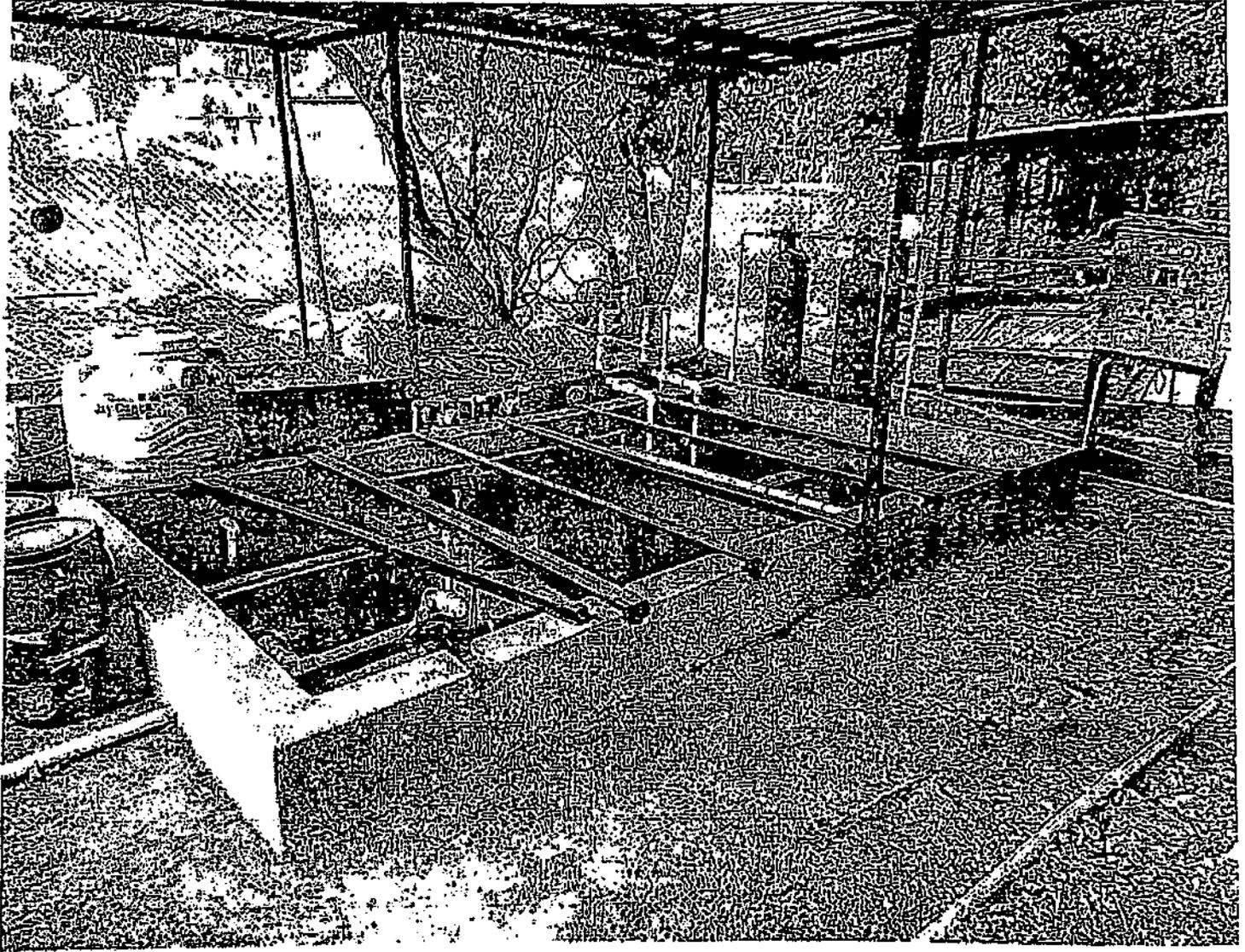
36



MUSEUM HOSPITAL

MUSEUM HOSPITAL





MINN'TRE HOSPITAL

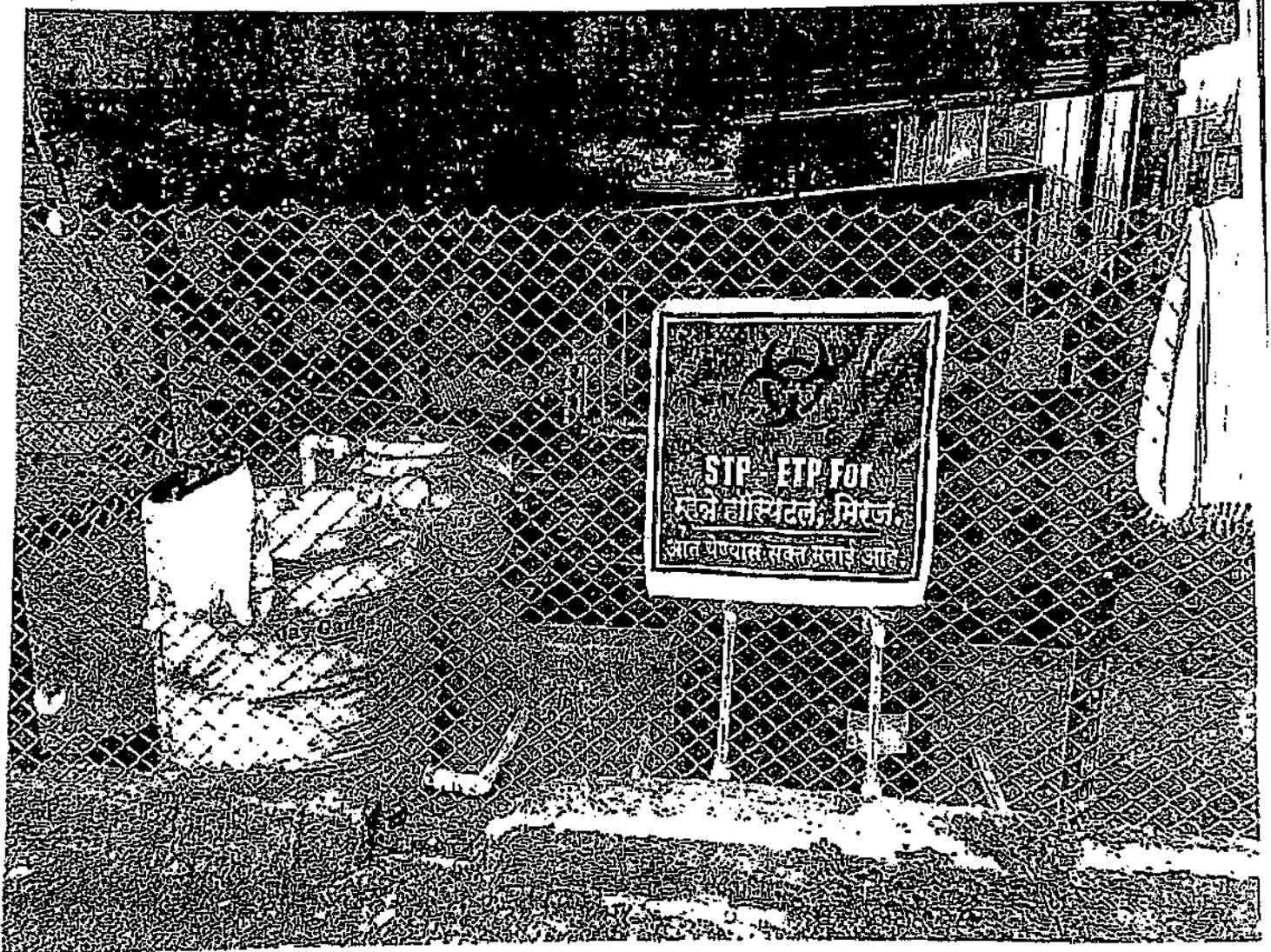
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~~XXXXXXXXXXXXXXXXXXXX~~  
MAY 1964  
MAY 1964 HOSPITAL



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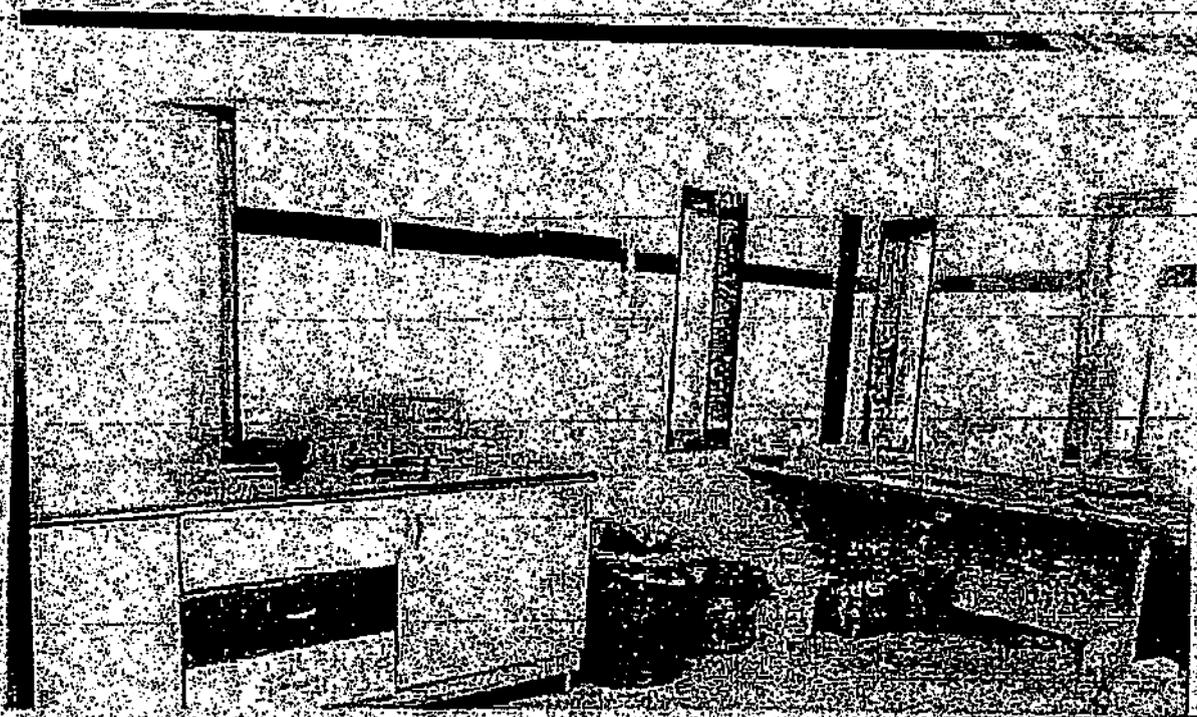
MIRAJRE HOSPITAL

*[Handwritten signature]*



78 41

Lab



HOSPITAL

MICRO HOSPITAL





Surya CTF Official Mar 28

to me: ✓

W 42

Waste Collection Report From Jan 2021 to Dec 2021

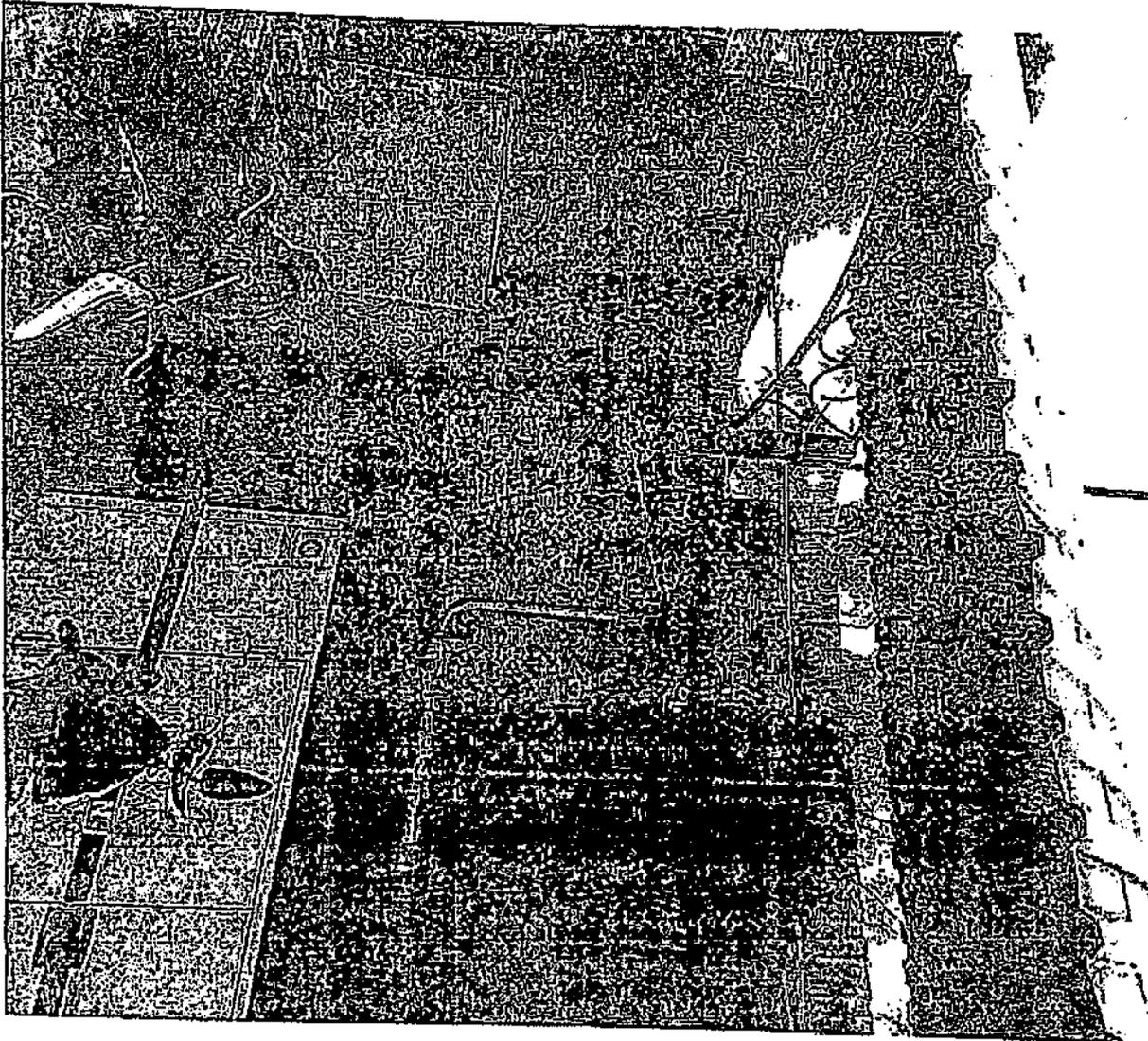
Client Name	Month	Weight				Total Waste
		Yellow Bags	Red Bags	Corrugated Box	White Box	
Mhetre Hospital	Jan-21	30	36	0	0	66
Mhetre Hospital	Feb-21	48	27	0	0	75
Mhetre Hospital	Mar-21	53	12	0	0	65
Mhetre Hospital	Apr-21	45	21	0	0	66
Mhetre Hospital	May-21	50	18	0	0	68
Mhetre Hospital	Jun-21	38	27	0	0	65
Mhetre Hospital	Jul-21	45	27	2	0	74
Mhetre Hospital	Aug-21	33	27	5	0	65
Mhetre Hospital	Sep-21	38	24	7	0	69
Mhetre Hospital	Oct-21	3	10	55	4	72
Mhetre Hospital	Nov-21	45	33	0	0	78
Mhetre Hospital	Dec-21	28	27	5	12	72
<b>Total</b>		<b>453</b>	<b>309</b>	<b>28</b>	<b>16</b>	<b>806</b>

Show quoted text

Thanks & Regards,  
Surya Central Treatment Facility



~~XXXXXXXXXX~~  
CENTRAL HOSPITAL



D. G. S. H. H. C.

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30

**KINETRIC WATER SOLUTIONS PVT LTD**

(WATER & WASTEWATER TESTING LABORATORY)

ISO 9001:2015, ISO 14001:2015 Certified Organization

Plot No. 222, Hanuman Nagar, Shriya Mill, Shriya, Dist. Kullana, 161122



44

**TEST REPORT**

REPORT NO: NM/04/2022/330344

Client Details Name & Address: M/S. ANSAL ENGINEERING & MACHINERY (P) LTD, MIRA	Sample Code:	NM/04/2022/330344
	Sample Name:	Untel
	Sample Collected by:	Mr. Poojawan
	Sample Type:	Sewage
	Sample Collected on:	07.04.2022
	Sample Received on:	07.04.2022
	Analysis Date:	07.04.2022 - 11.04.2022
	Reporting Date:	12.04.2022
	Prepared:	

Sr No.	Parameter	Unit	Precautions	Standard Method
1	pH	-	7-8	APHA 1820 (2012) 8011
2	BOD	mg/L	20°C	IS 3025 (Part 4) 20A 1009
3	Chemical Oxygen Demand (COD)	mg/L	160°C	IS 3025 (Part 5) 20A 1005
4	Total Suspended Solids	mg/L	103°C	IS 3025 (Part 16) 20A 1009
5	CHLORIDES	mg/L	100°C	IS 3025 (Part 39) 20A 1009

PLEASE RETURN SAMPLES TO THE LABORATORY WITHIN 7 DAYS OF REPORTING DATE.  
 If samples will be stored in 5°C temperature, will valid from the date of reporting.

**KINETRIC WATER SOLUTIONS PVT LTD**





**XMETRIC WATER SOLUTIONS PVT LTD**

(WATER & WASTEWATER TESTING LABORATORY)

ISO 9001:2015, ISO 14001:2015 Certified Organization

Plot No. 231, Hanuman Nagar, Shivajinagar, MIDC, Shirur, Dist. Kolhapur-416122

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**TEST REPORT**

REPORT NO: XM/04/2022-23/248

Client Details Name & Address:  M/s. Mhetre Accident & Multi Speciality Hospital Miral	Sample Code:	XM/04/2022-23/024417
	Sample Name:	Other
	Sample Collected by:	Mr. Bhagwan
	Sample Type:	Sewage
	Sample Collected on:	07/04/2022
	Sample Received on:	07/04/2022
	Analysis Date:	07/04/2022 - 11/04/2022
	Reporting Date:	12/04/2022
Reference:		

Sr.No.	Parameter	Unit	Results	Standard Method
1	pH	-	7.1	APHA 18 <sup>th</sup> Edn 500.F
2	BOD	mg/l	34	IS 3025 (Part 14) ICA 2009
3	Chemical Oxygen Demand (COD)	mg/l	85	IS 3025 (Part 56) ICA 2006
4	Total Suspended Solids	mg/l	21	IS 3025 (Part 15) ICA 2009
5	Oil & Grease	mg/l	Nil	IS 3025 (Part 90) ICA 2006

REMARKS: 1) Above analysis results are related to / as per  
 2) The contents of this test report shall not be reproduced in part or without written approval of lab in charge.  
 3) Sample will be stored at Room Temperature for 1 week from the date of reporting.

For XMETRIC WATER SOLUTIONS PVT LTD



--- Hold of Report ---

MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE, KOLHAPUR

Tel. No. (0231) 2652952  
2660448  
Fax No. (0231) 2652952  
E-mail:  
rokolhapur@mpcb.gov.in



Udyog Bhavan,  
Near Collector Office,  
Kolhapur - 416 003.  
Website: http://mpcb.mah.nic.in

"Your Service is Our Duty"

No. MPCB/RO/KOP/NGT-04/2022(WZ)/EC/22-11-240001 Date: 24/11/2022.

To,  
M/s. Mhetre Hospital  
Timber Area, Miraj,  
Tal. Miraj, Dist. Sangli

Sub: Environmental Compensation as per NGT Order dated 11.10.2022.

- Ref: 1. NGT Order Dated 11.10.2022 in the Original application No. 04/2022(WZ)  
2. Personal Hearing conducted by Video Conferencing dated 02.11.2022  
3. E Mail received from Law Officer, Maharashtra Pollution Control Board, Mumbai dated 17.11.2022.

Sir,

Order No. 04/2022 (WZ) has been passed by Honourable NGT dated 11.10.2022. In the last order passed, NGT has directed to levy Environmental Compensation & penalty to your unit. Environmental Compensation has been calculated by MPCB.

In view of the above you are directed to deposit the amount of Rs. 50,45,625/- to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below.

Bank Name and address: State Bank Of India, Kolhapur Treasury,  
Ashish Chambers, 396/B/Eward, Shahupuri, Kolhapur  
Account Number: 11303165287  
IFSC Code: SBIN0007249

Failure on your part to comply with this Directions Board will take necessary steps for recovery of the said amount which please be noted.

This is issued with the approval of competent Authority.

(J.S. Salunkhe)

Regional Officer, MPCB, Kolhapur.

Copy submitted to

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.

Copy for further follow up:

Sub-Regional Officer, MPCB, Sangli. He is directed to realize Environmental Compensation amount within one month & same amount to be used for Restitution of Environment as per NGT order. Please go through the NGT order dtd. 11.10.2022 & submit Action Taken Report to HOD with copy to this office for necessary record under intimation.

MHETRE HOSPITAL

DEPUTY DIRECTOR

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Annexure A-8

Mhetre Hospital  
Timber Area Mhetre Hospital (District Sangli)

Dr. M.G. Mhetre  
M.B.B.S.  
Reg. No. 29905

Date: 26.11.2022

To

The Sub Regional Officer,  
MPCB, Sangli

Sub: Assessment of Environment Compensation of 5045825/-

We hereby submit that this is totally unreasonable compensation calculated at the Instance and pressure of the applicant.

We would like to know the details of calculation and like to know on what basis and formula. It is assessed. Please provide details immediately.

Thank you

For Mhetre Hospital

Sd/-  
Dr./ Pankaj Mhetre

Item No.2

(Pune Bench)

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

(By Video Conferencing)

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INTERLOCUTORY APPLICATION NO.19 OF 2023 (WZ)  
IN  
REVIEW APPLICATION NO.01 OF 2023 (WZ)  
IN  
ORIGINAL APPLICATION NO.04 OF 2022 (WZ)

Dr. Mahadev Ganapati Mhetre

.... Applicant

Versus

Shri Tanaji Ruikar and others

.... Respondents

Date of hearing: 23.01.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Makarand B. Kulkarni, Advocate

Respondents : ---

**ORDER**

1. By this application, the review applicant has sought condonation of delay in filing the Review Application though the number of days of delay has not been stated in paragraph No.8 of the application. It is prayed by the applicant that the delay in filing the Review Application, by which he has prayed to get the order of this Tribunal dated 11.10.2022 passed in Original Application No.4 of 2022 (WZ) reviewed, has occurred on account of the applicant not being aware of the procedure because he was under impression that the total period to move the application for review was 90 days. It appears from the pleadings in the said application that some wrong advice was given by the Advocates because of which this delay has occurred. On being asked as to how-many days' delay the applicant has

sought to be condoned, the learned counsel for the applicant has apprised us that it is 59 days which needs to be condoned.

2. Before passing order on merits on delay condonation, we tried to know from the learned counsel for the applicant as to what is the ground set up by him in Review Application to get the impugned order reviewed, it is stated by him that the order of the Hon'ble Apex Court passed in *Suo Motu Writ Petition (C) No.3 of 2020* in which the limitation in all proceedings before the Courts/Tribunals was extended, has not been considered by this Tribunal while passing the impugned order. On the basis of the said order, no punitive action could be ordered between the period from 23.03.2020 to 28.03.2022, while this Tribunal has directed in the impugned order dated 11.10.2022 that respondent No.1 (present applicant) is liable to pay the environmental compensation for the period from 31.12.2019 till the date of that order as there was no CCA. Therefore, as per the argument of the learned counsel for the review applicant, he wants that the period from 23.03.2020 to 28.03.2022 should be excluded from computation of environmental compensation.

3. As regards the delay condonation, as per Rule 22 of the National Green Tribunal (Practices and Procedure) Rule, 2011, the period prescribed to move an application is 30 days only and there is no provision therein which prescribes for condonation of delay beyond those 30 days.

4. The learned counsel for the applicant has relied upon the judgment of this Tribunal passed in Review Application No.02/2016 and Misc. Application No.63/2016 in Appeal No.58/2015 and Appeal No.20/2016 and Misc. Application No.266/2016, on 04.05.2016 wherein in paragraph Nos.7 to 10 have been relied upon, which are quoted herein below:-

*"7. In contradistinction to the language of Sections 14 and 16 of the NGT Act, the language of Rule 22(1) of the Rules of 2011 does not put any restriction on the outer limit of period whereupon the*

Tribunal would lose its jurisdiction to condone the delay. From the language of the provisions and the above stated principles it would emerge that Section 14 and 16 are mandatory while that of Rule 22(1) is directory. Reference can be usefully made at this stage to the factors which have to be considered while deciding whether the time limit provided in the Act is directory or mandatory which are provided in interpretation of statutes by P.M. Bakshi 2013 at Page 468 as follows:

*"The under mentioned factors have to be considered in deciding whether the time limit provided in the Act is directory or mandatory:-*

1. *The general scheme of the Act and the context of the other provisions.*
2. *Whether the time limited is insisted upon as a protection for safeguarding the right of property of a person.*
3. *Whether the statute relates to performance of a public duty by a public officer.*
4. *Whether serious general inconvenience or injustice to persons who have no control over those entrusted with the duty would arise if the provision is held mandatory and not directory.*
5. *Whether such a decision would not promote the main object of the legislature.*
6. *Where the statute itself expressly provides for the result of non compliance with the statutory provision, what can reasonably be held to be the intent of the Legislature."*

8. *The distinction in language of Rule 22(1) of the Rules of 2011 and Sections 14 and 16 of the NGT Act is clear and unambiguous and has to be given its appropriate meaning. Once there is clear linguistic distinction between the above mentioned provisions it will not be proper for the Tribunal to give interpretation to these distinct provisions on the touchstone of same principles. In the case of Kaushlya Rani v. Gopal Singh (AIR 1964 SC 260) the Supreme Court while laying emphasis on the fact that if the special or local law expressly excludes the applicability of Section 5, it would stand displaced but if the language necessarily does not specify exclusion or by necessary implication then it will not be possible to displace the application of Section 5 of the Limitation Act. The Supreme Court was dealing with Sub Section 4 of Section 417 of the Code of Criminal Procedure, 1898 and held that the language does not suggest exclusion, much less an express exclusion of Section 5 of the Limitation Act. When in the normal course of events the language of the Section does not create a legal impediment in applying the provisions of Section 5 of the Limitation Act, then in law it will not be permissible to infer exclusion of Section 5 of the Limitation Act and when the provision of Section 5 becomes applicable to Rule 22 (1) of the Rules of 2011 then the Tribunal would have the Jurisdiction to condone the delay beyond the prescribed period of limitation of 30 days.*

9. *We may refer to the judgment which would further administrate that if legislature has used such language then the provisions of Section 5 of the Limitation Act would be attracted.*

5)

10. In view of the above stated position of law we are of the considered opinion that the provisions of the Section 5 of the Limitation Act, 1963 would come to the rescue of the applicant in getting the delay condoned beyond the specific period of limitation as provided under Rule 22 (1). In view of the settled principle of law stated by the Tribunal in the case of *Sunil Kumar Samanta v. West Bengal Pollution Control Board* (supra), the above conclusion would be of no avail to the applicant who asks for condonation of delay, in excess of the prescribed period of limitation (90 days) under Section 14 & 16 of the NGT Act."

5. Based on above, it is argued that the delay condonation application is maintainable even beyond 30 days in case of admissibility of Review Application.

6. As against this, we would like to rely upon the judgment of the Hon'ble Apex Court in *Sridevi Datla Vs. Union of India and others*; (2021)5 SCC 321, in paragraph No.19 of which, following is held :-

"19. There can be no dispute that the period of limitation set out in a special law, which provides for remedies and appeals, has to be construed in its terms and without reference to the Limitation Act, if it contains specific provisions delineating the time or period within which applications or appeals can be preferred, and confines the consideration of applications for condoning the delay to a specific number of days. Undoubtedly, in such cases, the Limitation Act would be inapplicable. There are several previous judgments of this court holding that where periods of limitation are prescribed under special laws, appeals that exceed the period granted and are within the extended period of limitation in the special law, can be entertained at the discretion of the tribunal, or court concerned and the Limitation Act would not apply upon expiry of such extended period. This Court holds that there is merit in the contention of the Union that the provisions of the Limitation Act are inapplicable. This is, however, not dispositive of the issue; the next question is whether there is merit in the appellant's argument that NGT should have considered the issue of whether the appeal was filed within the extended period prescribed under the proviso to Section 16 i.e. within sixty days after the expiration of the initial 30 days period, required in the main provision."

7. Because the Hon'ble Apex Court has settled the law on this point in the matter under the National Green Tribunal Act, 2010, we would like to reproduce Section 19 sub-section (4) clause (f), which is as follows:

19. Procedure and powers of Tribunal -

(1) \*\*\*\*\*

(2) \*\*\*\*\*

(3) \*\*\*\*\*

(4) *The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:-*

(a) to (e) \*\*\*\*\*

(f) *reviewing its decision;*

(g) to (k) \*\*\*\*\*

8. Further under sub-section (4) of Section 4 read with Section 35 of the National Green Tribunal Act, 2010, the National Green Tribunal (Practices & Procedure) Rules, 2011 have been framed. Rule 22 thereof is as follows:-

*"22. Application for review. - (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.*

*(2) A review application shall ordinarily be heard by the Tribunal at the same place of sitting which has passed the order, unless the Chairperson may, for reasons to be recorded in writing, direct it to be heard by Tribunal sitting at any other place.*

*(3) Unless otherwise ordered by the Tribunal sitting at the concerned place, a review application shall be disposed of by circulation and the Tribunal may either dismiss the application or direct notice to the opposite party.*

*(4) When an application for review of any judgment or order has been made and disposed of, no further application for review shall be entertained.*

*(5) No application for review shall be entertained unless it is supported by a duly sworn affidavit indicating therein the source of knowledge, personal or otherwise, and also those which are sworn on the basis of the legal advice.*

*(6) The counter affidavit in review application shall also be on a duly sworn affidavit wherever any averment of fact is disputed."*

9. In view of the law laid down in *Sridevi Datla Vs. Union of India and others* (supra), the provisions of the Limitation Act would not

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be applicable in computation of period of limitation, particularly there being no provision for condoning delay beyond thirty days under Rule 22 of the National Green Tribunal (Practices & Procedure) Rules, 2011. We find that the application which has been moved by the Review Applicant is not maintainable for seeking condonation of delay.

10. In the result, the application (I.A. No.19/2023) is rejected. Consequently, the Review Application No.01/2023 (WZ) also stands dismissed being time barred.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

January 23, 2023  
I.A. NO.19/2023 (WZ)

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IN THE SUPREME COURT OF INDIA,

CIVIL APPELLATE JURISDICTION

I.A.NO. OF 2023

IN

CIVIL APPEAL NO. OF 2023

IN THE MATTER OF:

Dr. Mahadev Ganpati Mhetre,  
Through his power of Attorney Holder,  
Shri Pankaj Mahadev Mhetre

Appellant

Versus

Maharashtra Pollution Control Board &amp; Anr.

Respondents

**APPLICATION FOR EXEMPTION FROM FILING CERTIFIED  
COPY**

To

The Hon'ble Chief Justice of India  
And His other Companion Judges  
Of the Supreme Court of India

The humble application of the appellant  
Abovenamed

**MOST RESEPECTFULLY SHOWETH:**

1. The appellant is filing the present appeal under Section 22 of the National Green Tribunal Act, 2010 against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ).

2. That the appellant has stated all the detailed facts and circumstances of the case in the accompanying appeal and for the sake of brevity the same are not repeated herein.
3. That the appellant is filing with the present Appeal an ordinary copy of the impugned judgment and order and the appellant has applied for the certified copy. The appellant is undertaking to file the certified copy of the same and when he will received it from the National Green Tribunal, Western Zone, Pune.

**PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) exempt the petitioner from filing certified copy of the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ) in the interest of justice; and
- b) pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KIDNESS THE APPELLANT IS DUTY BOUND SHALL EVER PRAY

Drawn by

[PANKAJ KUMAR SINGH]  
Advocate

Filed by

  
[MOHD. ZAHID HUSSAIN]  
Advocate for the appellant

New Delhi  
Filed on: 20.07.2023

IN THE SUPREME COURT OF INDIA,  
CIVIL APPELLATE JURISDICTION

I.A.NO. OF 2023

IN

CIVIL APPEAL NO. OF 2023

IN THE MATTER OF:

Dr. Mahadev Ganpati Mhetre,  
Through his power of Attorney Holder,  
Shri Pankaj Mahadev Mhetre

Appellant

Versus

Maharashtra Pollution Control Board & Anr.

Respondents

**APPLICATION FOR STAY**

To

The Hon'ble Chief Justice of India  
And His other Companion Judges  
Of the Supreme Court of India

The humble application of the appellant  
Abovenamed

**MOST RESEPECTFULLY SHOWETH:**

1. The appellant is filing the present appeal under Section 22 of the National Green Tribunal Act, 2010 against the impugned judgment

and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ).

2. That the appellant has stated all the detailed facts and circumstances of the case in the accompanying appeal and for the sake of brevity the same are not repeated herein.
3. That the Ld. Tribunal even without hearing the counsel for the appellant passed impugned order dated 04.05.2023 which are in violation of the principal of natural justice.
4. That the respondent No. 1 imposed environmental compensation and directed the appellant to deposit Rs.50,45,625/- within 15 days from the date of order dated 24.11.2022.

It is respectfully submitted that the environmental compensation levied by the respondent No.1 is on very higher side.

5. That the balance of convenience lies in favour of the appellant and against the respondents and no prejudice or harm would be caused to the respondents if this Hon'ble Court may grant stay on the implementation of the impugned order dated 04.05.2023.

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PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) grant ex-parte stay on the implementation of the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ) in the interest of justice; and
- b) pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPELLANT IS DUTY BOUND SHALL EVER PRAY

Drawn by

[PANKAJ KUMAR SINGH]  
Advocate

Filed by

  
[MOHD. ZAHID HUSSAIN]  
Advocate for the appellant

New Delhi  
Filed on: 20.07.2023

IN THE SUPREME COURT OF INDIA,  
CIVIL APPELLATE JURISDICTION

I.A.NO. OF 2023

IN

CIVIL APPEAL NO. OF 2023

IN THE MATTER OF:

Dr. Mahadev Ganpati Mhetre,  
Through his power of Attorney Holder,  
Shri Pankaj Mahadev Mhetre

Appellant

Versus

Maharashtra Pollution Control Board & Anr.

Respondents

**APPLICATION FOR CONDONATION OF DELAY IN RE-FILING**

To

The Hon'ble Chief Justice of India  
And His other Companion Judges  
Of the Supreme Court of India

The humble application of the appellant  
Abovenamed

**MOST RESEPECTFULLY SHOWETH:**

1. The appellant is filing the present appeal under Section 22 of the National Green Tribunal Act, 2010 against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ).
2. That the appellant has stated all the detailed facts and circumstances of the case in the accompanying appeal and for the sake of brevity the same are not repeated herein.

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3. It is submitted that there is a delay of \_\_\_ days in re-filing the Civil Appeal because the file was mixed up with other disposed off files in the office of the undersigned and the same was traced out on 31.08.2023 and the appellant is filing the same without any further delay.
4. That the delay in re-filing the Civil Appeal are neither wanton not deliberate but due to the abovementioned reasons.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) condone the delay of \_\_\_ days in filing the present Civil Appeal against the impugned judgment and final order dated 04.05.2023 passed by the National Green Tribunal, Western Zone Bench, Pune in Appeal No. 2 of 2023 (WZ) in the interest of justice; and
- b) pass any other or further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KIDNESS THE APPELLANT IS DUTY BOUND SHALL EVER PRAY

Drawn by

[PANKAJ KUMAR SINGH]  
Advocate

Filed by

  
[MOHD. ZAHID HUSSAIN]  
Advocate for the appellant

New Delhi

Filed on: .08.2023

IN THE SUPREME COURT OF INDIA,

CIVIL APPELLATE JURISDICTION

L.A.NO. OF 2023

IN

CIVIL APPEAL NO. OF 2023

IN THE MATTER OF:

Dr. Mahadev Ganpati Mhetre,  
Through his power of Attorney Holder,  
Shri Pankaj Mahadev Mhetre

Appellant

Versus

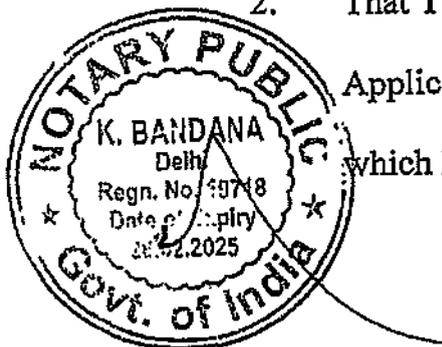
Maharashtra Pollution Control Board & Anr.

Respondents

AFFIDAVIT

I, Pankaj Mahadev Mhetre S/o Dr. Mahadev Ganpati Mhetre,  
Proprietor of Mhetre Hospital, Timber Area, Miraj 416 410 Maharashtra, do  
hereby solemnly affirm and declare as under: **PRESENTLY AT DELHI**

1. That I the Power of Attorney Holder of the petitioner in the above-mentioned Appeal and as such am fully conversant with the facts and circumstances of the case hence, competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Application for condonation of delay in re-filing the Civil Appeal , which have been drafted by my counsel under my instructions and the



52<sup>th</sup> 23

contents thereof are true and correct to the best of my knowledge and belief.

- 3. That the Annexures annexed with the appeal are true copies of their respective originals.

  
 DEPONENT

**VERIFICATION:**

Verified at New Delhi on this 31<sup>st</sup> the day of August, 2023, that the contents of the above affidavit are true and correct to the best of my knowledge, belief and nothing material has been concealed therefrom.

IDENTIFIED

31 AUG 2023

  
 DEPONENT

31 AUG 2023

ATTESTED  
 NOTARY PUBLIC DELHI  
 GOVT. OF INDIA  
 Mob.: 9654768498



ITEM NO.14

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL Diary No(s). 28866/2023

(Arising out of impugned final judgment and order dated 04-05-2023 in AN No. 02/2023 passed by the National Green Tribunal, western Zone, Pune)

MAHADEV GANPATI MHETRE

Petitioner(s)

VERSUS

MAHARASHTRA POLLUTION CONTROL BOARD &amp; ANR.

Respondent(s)

(IA No.178363/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.178365/2023-STAY APPLICATION and IA No.178367/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS )

Date : 15-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Kamal Kumar Pandey, Adv.  
Mr. Mohd. Zahid Hussain, AOR

For Respondent(s)

UPON hearing the counsel, the Court made the following  
O R D E R

Delay condoned.

Issue notice, returnable in the month of February 2024.

Notice will be served by all modes, including *dasti*.

In the meanwhile, it will be open to the authorities to

inspect the nursing home/hospital, and file status report before this Court with regard to compliance with the provisions of Environment (Protection) Act, 1986 & Bio-medical Waste Management

Rules, 2016.

The petitioner - Mahadev Ganpati Mhetre will deposit Rs.20 lakh with authority/respondent no.1 -Maharashtra Pollution Control Board within a period of four weeks from today. On deposit being made, there will be stay of direction of the impugned judgment/order to deposit Rs.50 lakhs. The proceedings in terms of the impugned judgment/order shall continue.

(BABITA PANDEY)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR