

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 22 OF 2023 (WZ)**

Mr. Amol Abhimanyu Shinde

.... Applicant

Versus

Maharashtra Pollution Control Board & Ors. Respondents

Additional Affidavit on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 1 in compliance of Order dated 16/05/2023 passed by Hon'ble Tribunal

I, Vidyasagar Killedar, Age –49 years, Occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune - II having my office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003 do hereby state on solemn affirmation as under –

- 1) I say and submit that Respondent No.1-MPC Board has submitted a reply – affidavit dated 15th May, 2023 before this Hon'ble Tribunal and the same is taken on record.
- 2) I say and submit that this Hon'ble Tribunal vide Order dated 16/5/2023 directed the Respondent Board to assess the amount of Environment Compensation against Respondent Nos. 8 & 9 for the violations caused.
- 3) I say and submit that Respondent No. 8 i.e. Akash Dairy Farm (old Vighnagar Dairy) & Respondent No. 9 i.e. Rheansh Foods



are situated at Sr. no. 122/2, 123/2A, Pimpalgaon Road , A/P-Manchar, Tal- Ambegaon, Dist- Pune - 410503. Earlier M/s. Akash Dairy Farm had obtained consent to operate dated 29/9/2010 in the name of M/s. Vighnhar Dairy Pvt. Ltd for the same location, which was valid up to 30.11.2012. Thereafter Respondent No. 8-Industry has changed its name from M/s. Vighnhar Dairy Pvt. Ltd to M/s. Akash Dairy Farm. The Respondent No.8-Industry is in operation since 01.12.2012 without obtaining valid consent from the Respondent-Board.

- 4) I say and submit that the Official of the Respondent Board at Pune visited to the site of Respondent No. 8 - M/s. Akash Dairy Farm and Respondent No. 9 - M/s. Rheansh Foods on 16.03.2023 & observed that both the industrial units were found in operation without valid consent of the Respondent Board. I submit that the copies of the visit reports dated 16.3.2023 of the Respondent No. 8 & 9 are annexed and collectively attached as an Annexure – I to the reply- affidavit dated 15.05.2023 submitted by the Respondent-Board before this Hon'ble Tribunal.
- 5) I say and submit that in order to verify the compliance, the Official of the Respondent-Board at Pune jointly visited alongwith Tehshildar Ambegaon to the industrial units of Respondent Nos.8 & 9 on 19.07.2023 and observed that the Respondent No. 8 - M/s. Akash Dairy Farm has provided ETP of 50 CMD capacity with primary & tertiary treatment in its own premises; which is used as a combined ETP for both the industries i.e. M/s. Akash Dairy Farm and M/s. Rheansh Foods. M/s. Akash Dairy Farm has provided wood fired 1TPH boiler



with dust collector system & 30 mtrs height of stack. Generated steam is sent to adjacent industry - M/s. Rheansh Foods. M/s Akash Dairy has applied for renewal of consent & M/s. Rheansh Foods has applied for consent to establish & operate on P27.04.2023 and same are in process.

- 6) I say and submit the Respondent-Board has assessed environment compensation against Respondent No. 8- M/s. Akash Dairy Farm, is as below –

Environment Compensation to be levied on Industrial unit M/s. Akash Dairy Farm, Sr. No. 123/2A A/P- Manchar, Tal-Ambegaon, Dist.-Pune.

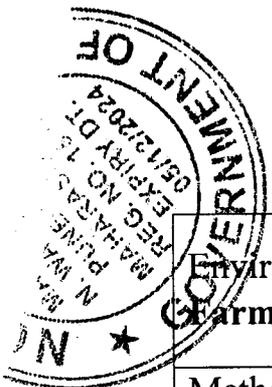
Methodology of CPCB confirmed by H'ble NGT O. A. No. 593/2017 (arising from W.P.(civil). No.375/2012 on the file of the Hon'ble Supreme Court Paryavaran Suraksha Samiti & Anr. Applicant(s) Versus Union of India & Ors. Respondent(s) dated 28.08.2019

Formula: EC (Rs.) = PI x N x R x S x LF,

Since it is Red category Unit, wherein, PI taken as 80, R is factor and it is taken as Rs. 250, S is scale of operation as it is small scale S is taken as 0.5 and LF is taken 1 as Population is less than 1 million. Industry has not renewed their consent since 01.12.2012 now industry has applied for renewal of consent to operate on 27.04.2023 which is under process.

Therefore, the calculation of EC to be levied is as under:

Sr. no.	Parameter	Description	Calculation
1	PI	Pollution Index of industrial sector (Consent categorisation)	80
2	N	Existing consent was expired on 30.11.2012 is attached and annexed herewith as an Annexure – I	01.12.2012
		Date of Compliance verified by MPCB is attached and annexed herewith as an Annexure – II	19.07.2023
		No. of Days violation	3882
3	R	A factor in Rupees	250
4	S	Scale of Operation (LSI=1.5, MSI=1, SSI=0.5)	0.5



5	LF	Location Factor [Population in million, less than 1=1,1 to less than 5=1.25, 5 to less than 10=1.5,10 and above=2	1
	EC in Rupees	$PI \times N \times R \times S \times LF$	3,88,20,000/- Rs. Three Crores Eighty-Eight Lakhs Twenty Thousand Only

- 7) I say and submit that the Respondent-Board has assessed environment compensation against Respondent No. 9 -M/s. Rheansh Foods, is as below –

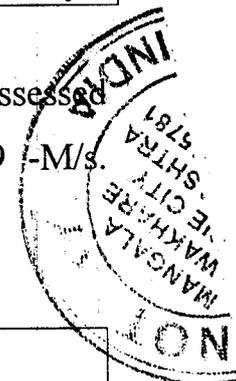
Environment Compensation to be levied on Industrial unit **M/s. Rheansh Foods**, Sr.no.122/2, A/P- Manchar, Tal-Ambegaon, Dist-Pune.

Methodology of CPCB confirmed by H'ble NGT O. A. No. 593/2017 (arising from W.P. (civil) No.375/2012 on the file of the Hon'ble Supreme Court) Paryavaran Suraksha Samiti & Anr. Applicant(s) Versus Union of India & Ors. Respondent(s) dated 28.08.2019

Formula: EC (Rs.)= $PI \times N \times R \times S \times LF$

Since it is Red Category Unit, wherein, PI taken as 80, R is factor and it is taken as Rs. 250, S is scale of operation as it is small scale S is taken as 0.5 and LF is taken 1 as Population is less than 1 million. Industry has applied for Consent to Establish to MPCB on 09.02.2020 which was refused by the Board due to non-compliance and now industry has reapplied for Consent to Establish and Operate on 27.04.2023 which is under process.

Therefore, the calculation of EC to be levied is as under;

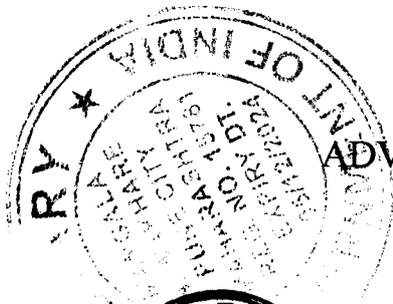


Sr.no.	Parameter	Description	Calculation
1	PI	Pollution Index of industrial sector (Consent categorisation)	80
2	N	Date of Application to MPCB for Consent to Establish	09.02.2020
		Date of Compliance verified by MPCB is attached and annexed herewith as an Annexure – III	19.07.2023
		No. of Days violation	1256
3	R	A factor in Rupees	250
4	S	Scale of Operation (LSI=1.5, MSI=1, SSI=0.5)	0.5
5	LF	Location Factor [Population in million, less than 1=1, 1 to less than 5=1.25, 5 to less than 10=1.5, 10 and above=2	1
	EC in Rupees	PI x N x R x S x LF	1,25,60,000/- Rs. One Crore Twenty-Five Lakhs Sixty Thousand Only

Solemnly affirmed on this **29 AUG 2023** of August, 2023 at Pune.

I know the affiant.

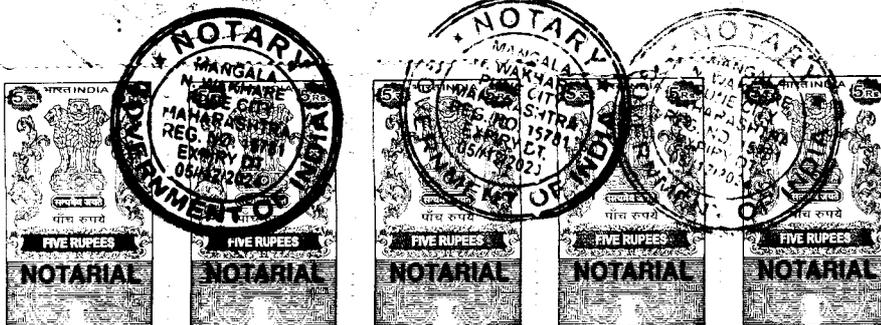
For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent No. 1



ADVOCATE

(Signature)
29/08/2023

(Vidyasagar Killedar)
Sub-Regional Officer,
MPCB Pune - 2



BEFORE ME

(Signature)
MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

29 AUG 2023

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 020-25811694

Fax : 020-25811701

Email : ropune@mpcb.gov.in

Visit At : <http://mpcb.gov.in>



Jog Center, 3rd floor,
Mumbai Pune Road,
Wakdevadi,

Pune - 411003

Date: 27/9/10

Red/S.S.I

Consent No: *ROP/10-26/CC/UB/PUNE/141/10*

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

CONSENT is hereby granted to

M/s Vighnagar Dairy Pvt.Ltd.
S. No. 123, A/P Manchar,
Tal-Ambegaon, Dist-Pune.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. The Consent to Operate is granted for a period up to: 30.11.2012.
2. The Consent is valid for the manufacture of -

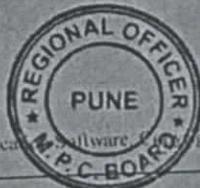
Sr. No.	Product Name	Maximum Quantity	UOM
1	Pasteurized & Homogenized Milk	15000.0	Lit/Day

3. CONDITIONS UNDER WATER ACT:

- (i) The daily quantity of trade effluent from the factory shall not exceed 15.00M³.
- (ii) The daily quantity of sewage effluent from the factory shall not exceed 0.80M³.

(iii) Trade Effluent :

Treatment: The applicant shall provide comprehensive treatment system consisting of primary / secondary and/or tertiary treatment as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of the treated effluent to the following standards:



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1	pH	Between	5.5 to 9.0	
2	Suspended Solids	Not to exceed	100	mg/l.
3	BOD 3 days 27 Deg. C.	Not to exceed	100	mg/l.
4	COD	Not to exceed	250	mg/l.
5	Oil & Grease	Not to exceed	10	mg/l.
6	T.D.S.	Not to exceed	2100	mg/l.
7	Chlorides	Not to exceed	600	mg/l.
8	Sulphates	Not to exceed	1000	mg/l.

(iv) **Effluent Disposal:** The treated trade effluent shall be recycled to the maximum extent and remaining shall be used on land for gardening. For this sufficient land shall be made available. In no case, at any time effluent shall find its way to any water body directly or indirectly.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

(1) Suspended Solids	Not to exceed	100	mg/l.
(2) BOD 3 days 27o C.	Not to exceed	100	mg/l.

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be recycled in soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
1	ETP Sludge	10.00	Kg/M	---	Mannure

(viii) **Other Conditions:**

- 1) Industry should monitor effluent quality regularly.
- 2) Industry shall develop green belt of local species in 1/3rd of total area.

4. The applicant shall comply with the provisions of the Water (Prevention and Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic	...	1.00 CMD
(ii) Industrial Processing	...	15.00 CMD
(iii) Industrial Cooling	...	0.00 CMD
(iv) Agriculture / Gardening	...	0.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. **CONDITIONS UNDER AIR ACT:**

(i) The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same

continuously so as to achieve the level of pollutants to the following standards:

a. Control Equipment:

Dust collector of sufficient capacity shall be provided to the source of particulate matter emission section to limit the following standard.

b. Standards for Stack Emissions:

1) SPM	Not to exceed	150	mg/Nm ³
2) SO ₂	Not to exceed	32	kg/day

6. Conditions for D.G. Set

- a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
- b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
- c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.
- d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
- e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
- f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
- g. D.G. Set shall be operated only in case of power failure
- h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set

7. Standards for Stack Emissions:

- (i) The applicant shall observe the following fuel pattern:-

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	20.00	Lit/day



[Handwritten signature]

- (ii) The applicant shall erect the chimney(s) of the following specifications:-

Sr. No.	Chimney Attached To	Height in Mtrs.
1	Hot water generator	11.00
2	DG Set (125 KVA)	2.00 above the roof

- (iii) The applicant shall provide ports in the chimney(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vent attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
- (iv) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 55 dB(A) during night time. Day time is reckoned in between 6 a.m. and 6 p.m. and night time is reckoned between 10 p.m. and 6 a.m.
- (vi) Other Conditions:
- 1) The industry should not cause any nuisance in surrounding area.
 - 2) The industry should monitor stack emissions and ambient air quality Regularly.

8. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDARY MOVEMENT) RULES, 2008:

- (i) The Industry shall handle Hazardous wastes as specified below.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
		NIL		

- (ii) Treatment - NIL

1. The authorization is hereby granted to operate a facility for collection, storage, transport & disposal of hazardous waste.
2. The industry should comply with the Hazardous Waste (M&H) Rules 2003.
 - a. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipments, the production process connected to it shall be stopped.
 - b. Industry shall obtain registration from CPCB as a re-refiner of Used oil having environmentally sound technology as per the provisions of Hazardous Waste (Management & Handling) Rules 1989 & Amendment Rules 2003 before commencement of production.

- c. The unit has to display and maintain the data online outside the factory main gate in Marathi & English both on a 6'x4' display board in the manner and the report of the compliance along with photograph shall be submitted to this office & concerned Regional Office/ Sub Regional Office.
- d. It shall be ensured that the Hazardous waste is handled, managed & disposed of strictly in accordance with the Hazardous Waste (Management & Handling) Rules, 1989 as amended on 2003 and shown & submitted to the Board as & when asked for.

9. Industry shall comply with following additional conditions:

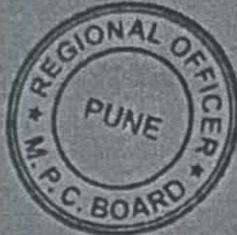
- i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
- ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
- iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
- v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipments provided for without previous written permission of the Board.
- vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
- viii. The firm shall submit to this office, the 30th day of September every year, the Environmental Statement Report for the financial year ending 31st March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
- ix. An inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
- x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.
- xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No



effluent shall find its way other than in designed and provided collection System.

xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.

10. The Capital investment of the industry is Rs. 98.0 Lacs.



For AND ON BEHALF OF M.P.C. BOARD

(Signature)
(P. K. MIRASHE)
REGIONAL OFFICER, PUNE

(When consent issuing authority is other than Member Secretary, State)

To,
M/s Vighnagar Dairy Pvt.Ltd.
S. No. 123, A/P Manchar,
Tal-Ambegaon, Dist-Pune.

Copy to:

- 1) Regional Officer, MPCB, Pune.
- 2) Sub-Regional Officer, MPCB, P-I / P-II / P.C. / Satara / Solapur.
- 3) Chief Accounts Officer, MPCB, Mumbai

Received Consent fee of-

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	20400	842743	13 Jul 2010	SBI Bank



MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, PUNE-II

Phone - (020) - 25816451

Fax - (020) - 25811029

Email - sropune2@mpcb.gov.in



2nd Floor, "Jog Center"

Wakadewadi, Mumbai-Pune

Road, Pune - 411003

VISIT REPORT

1) Name & address: - M/s. Akash Dairy Farm
Str. no. 123/2A, Alp-Manchar
Tal- Ambegam, Dist- Pune.

2) Date of visit:-
- 19/07/2023.

3) Contact person (Tel/Mob/email):- Mr. Sanjay J. Thorat. (Partner)

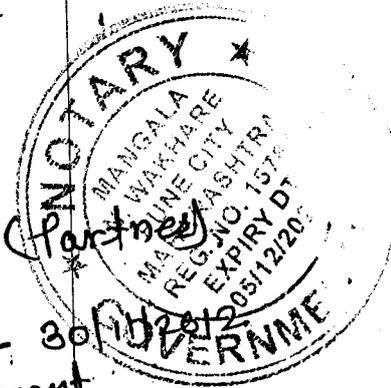
4) Consent status:-
- Existing consent valid up to - 30/10/2022
Applied for renewal of consent.

5) Additional Information:-

This office has received letter dtd. 11/7/2023 of sub-Divisional officer, Junnar-Ambegam & directed that to do joint inspection with Tahsildar, Ambegam of M/s. Akash Dairy Farm, Manchar. In this regard said industry visited with Tahsildar, Ambegam Mr. Sanjay Magtilak & industry representative Mr. Sanjay Thorat. Following points were observed.

① During visit industry was found in operation & suggest in mfg. of milk pouch and loose processed milk with pasteurisation.

② Earlier industry was running in the name of M/s. Vighnesh dairy Pvt. Ltd. as reported by industry & last consent was valid up to 30/11/2022 on same name. Now they have applied for renewal of consent on the name of M/s. Akash Dairy Farm on. 27/04/2023 same under process at MPCB.



Annexure III

MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, PUNE-II

Phone - (020) - 25816451

Fax - (020) - 25811029

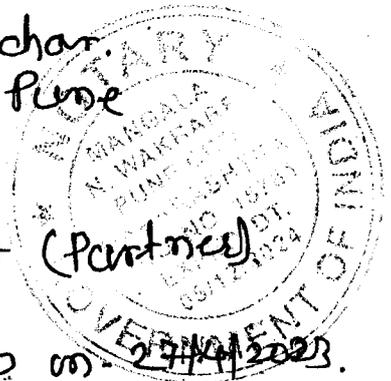
Email - sropune2@mpcb.gov.in2nd Floor, "Jog Center"

Wakadewadi, Mumbai-Pune

Road, Pune - 411003

VISIT REPORT

- 1) Name & address: - M/s. Rheansh Foods.
Gat no. 122A, A/P - Manchur.
Tal - Ambegaon, Dist. Pune
- 2) Date of visit:- - 19/07/2023.
- 3) Contact person (Tel/Mob/email):- Mr. Sanjay J. Thorat (Partner)
- 4) Consent status:- - Applied for CtoE & O on 29/07/2023.
- 5) Additional Information:-
Said industry visited on 18/7/2023 with Tahsildar Mr. Sanjay Nagtikar, Ambegaon & industry representative Mr. Sanjay Thorat & MPCB officials as per directed by SDO, Junnar & Ambegaon. During visit following points were observed.
- ① During visit industry were not found in operation due to lack of order since last 8 days.
 - ② Industrial effluent generated about 8 cum of same treated in ETP of 50 cum capacity with primary & tertiary treatment. Said ETP provided by M/s. Akash Dairy farm near adjacent plot. Industry has submitted agreement copy regarding ETP of 50 cum between both industry. Treated effluent used for gardening purpose.
 - ③ Industry has taking boiler steam from adjacent unit i.e. M/s Akash dairy farm pd. Ltd.



- ④ Source of raw water is from own dug well.
- ⑤ Earlier industry had applied for consent in 2020 & same was refused by Board.
- ⑥ B.G. of Rs. 50,000/- submitted & same is valid upto. 1st/1/2025.

Sumit
T. W. Santay Sisaba

Sumit 19-7-23
Tahsildar
Ambegaon.

D. D. Gavali
(D. D. Gavali)
Fo, & Prop.

