

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 44 OF 2022**



ARYAVAT FOUNDATION ...APPLICANT

VERSUS

M/S. LOTE PARSHURAM ENVIRONMENT PROTECTION
CO-OPERATIVE SOCIETY LTD. & ORS. ...RESPONDENTS

**ADDITIONAL AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO.4**

I, Ravikiran Sitaram Pimpale, The Deputy Engineer, MIDC, Project Sub Division Chiplun, of the Maharashtra Industrial Development Corporation having my office at The Office of Deputy Engineer, Plot No. OS 5, Kherdi Industrial Area, Tal. Chiplun, Dist. Ratnagiri, do hereby state on solemn affirmation as under:

- 1) I say that as pointed out in my earlier Affidavit dated 23rd November, 2023, as well, MIDC does not own the Lote Parshuram Environment Protection Co-operative Society Ltd.. All the assets belong to Lote Parshuram Environment Protection Co-operative Society Ltd. only. As pointed out earlier in the earlier Affidavit, the MPCB has issued the directions under Section 33A to MIDC to facilitate the operation and maintenance of CETP. MIDC is doing that as per the directions of MPCB. Since, MIDC does not have special expertise in the field of effluent treatment, environment and CETP operation and maintenance, the operation and maintenance of CETP of Lote Parshuram Environment Protection Co-operative



Society Ltd. is going on through the expert agency M/s. Aquachem Enviro Engineers Pvt. Ltd. It may be noted that MIDC is not generating the effluent but the same is generated by member industries of Lote Parshuram Environment Protection Co-operative Society Ltd.

- 2) I say that MPCB has vide communication dated 29.03.2023 renewed the Consent to Operate to Lote Parshuram Environment Protection Co-operative Society Ltd. with a total capacity of 10 MLD. The Consent is granted to the “occupier” and Lote Parshuram Environment Protection Co-operative Society Ltd. is the occupier, admittedly as per their own application for the Consent to Operate.
- 3) I say that MIDC is the Nodal Agency for facilitating the collection and disposal of effluent in the MIDC area. To further facilitate the working of CETP, the effluent treatment charges collected from member industries of CETP by MIDC are passed on to Lote Parshuram Environment Protection Co-operative Society Ltd. and the agency appointed for operation & maintenance of CETP.
- 4) I say that so far MIDC has made a payment of Rs.20,15,78,218/- (Rupees Twenty Crores Fifteen Lakhs Seventy Eight Thousand Two Hundred Eighteen Only) to Lote Parshuram Environment Protection Co-operative Society Ltd. from April, 2019 till July, 2024. The month wise details are hereto annexed and marked as **Annexure “1”**



- 5) As such the absolute responsibility as per the water act lies with the member industries including Lote Parshuram Environment Protection Co-operative Society Ltd
- 6) I, thus, submit that the Environmental Compensation amount be recovered from Lote Parshuram Environmental Protection Co-op Society Ltd. and their defaulter member industries as per the "Polluter Pays Principle" proportionate to their MPCB consented monthly "effluent quantity" during the default period and MPCB being law enforcing agency may be directed to recover the Environmental Compensation amount.
- 7) Without prejudice to the aforesaid, I, further submit that this Hon'ble Tribunal has appointed Joint Committee consisting of following members on 17/04/2023:
 - One member of Central Pollution Control Board
 - One member of Maharashtra Pollution Control BoardApart from this, MPCB being Nodal Agency under the said order, had appointed its own Nodal Officer on the said Committee.
- 8) Thus, Committee consisted of member from MPCB which is vested with power to take appropriate action in case of environment damage. In the instant case, the Joint Committee consisted of 02 members, 01 of which was from MPCB itself. To avoid conflict of interest, MPCB should have refrained itself as a part of the Joint Committee and should not have given directions under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 without



ascertaining the competence, expertise and special knowledge of MIDC in design and treatment of effluent in CETP.

- 9) The Committee submitted its report on 24/08/2023 recommending environmental damage compensation to the tune of Rs.3,68,40,000/- (Rupees Three Crores Sixty Eight Lakhs Forty Thousand Only) be imposed on MIDC. It is pertinent to note that the Joint Committee did not follow principles of natural justice by not giving any prior hearing to MIDC before recommending such a huge amount as environmental damage compensation. The least that was expected from the Committee was to hear MIDC prior to recommending such a huge compensation. Thus, the Committee ignored the principles of natural justice and unilaterally recommended imposition of environmental damage compensation of Rs.3,68,40,000/- (Rupees Three Crores Sixty Eight Lakhs Forty Thousand Only).

Solemnly affirmed at Mumbai)

On this 19th day of September, 2024)

**For Navdeep Vora & Associates
Advocates for Respondent No. 4**

VERIFICATION

I, Ravikiran Sitaram Pimpale, The Deputy Engineer, MIDC, Project Sub Division, Chiplun, of the Maharashtra Industrial Development Corporation and having my office address at The office of Deputy

Engineer, Plot No. -OS 5, Kherdi Industrial Area, Tal Chiplun, Dist. Ratnagiri, duly authorized to swear and attest this Application by Circular dated 17th June, 2002, do hereby state on solemn affirmation, that what is stated in paragraph nos. 1 to 4, 7 and 8 are true to my own knowledge based on information derived by me from the official records and what is stated in the remaining paragraphs are based on legal advice which I believe to be true.

Solemnly affirmed at Mumbai)
Dated this 19th day of September, 2024)
19 SEP 2024



**Mr. Ravikiran Sitaram Pimpale, The
Deputy Engineer
For M. I. D. C.
[Respondent No. 4]**

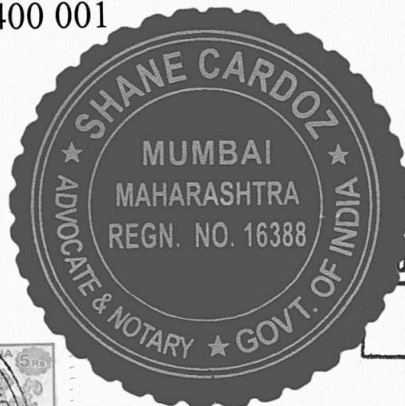
Identified by me

**For Navdeep Vora & Associates
Advocates for Respondent No. 4
Office No. 32, 2nd Floor,
Building No. 105,
Mumbai Samachar Marg,
Fort, Mumbai - 400 001**

BEFORE ME

SHANE CARDOZ
Advocate & Notary (Govt. of India)
Reg. No. 16388 B Com, LL B
G3, Clifford House, Kadeshwari Mandir Road
Next to Ganesh Mandir Chowk, Bandra (W)
Mumbai - 400 050, Mob. 98205 17020
MAH / 3457 / 2002

Notary Register Serial No Before me	3723/A12 y
Date:	19 SEP 2024



ORIGINAL SEEN & VERIFIED

CHR | PAN | ELECTION ID | DRNG. LICENSE | PASSPORT | POA | RESOLUTION

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BEFORE ME

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Notary Registrar	
Serial No.	
Date	

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ANNEXURE " 1 "

875



Month/Year	Amount paid to CETP Association
Apr-19	3641034.37
May-19	3281074.45
Jun-19	3469645.12
Jul-19	2614815.22
Aug-19	2930892.89
Sep-19	2268078.74
Oct-19	2531682.62
Nov-19	3511165.27
Dec-19	3312642.48
Jan-20	4438186.60
Feb-20	3716470.47
Mar-20	3722332.83
Apr-20	-817268.78
May-20	5403504.54
Jun-20	2554262.29
Jul-20	3716152.84
Aug-20	1687549.17
sept-20 & oct-2020	5297205.50
Nov-20	3352394.53
Dec-20	3664505.89
Supriya Life science April-20 to Jan-21	1982627.56
Jan-21	4809708.57
Feb-21	5134158.15
Mar-21	1523065.20

April 21 to May-2021	4550695.78
Advance GST Payment settle 1.4.18 to 31.5.21	330831.27
Jun-21	8865591.20
Jul-21	1926091.86
Aug-21	429133.09
Sep-21	3012610.01
Oct-21	1604523.23
Nov-21	3229086.52
Dec-21	1982792.19
Jan-22	1938483.38
Feb-22	1955010.51
Refund Excess CETP	1806723.00
Mar-22	3155359.26
Apr-22	2700378.47
May-22	4115340.78
Adv Payment may22	44871.00
Jun-22	3439583.41
Jul-22	3171035.58
Aug-22	1587176.14
Sep-22	3641485.47
Oct-22	1700486.89
Nov-22	2610961.57
Earlier CETP settle	85283.00
Misc settlement Payment	720305.00



Dec-22	2538466.51
Jan-23	2229771.60
Feb-23	2988020.40
Mar-23	4830572.04
Apr-23	2401159.09
May-23	1831233.43
June-23-july-23	2388871.32
Aug-23	1223536.72
Sep-23	743953.45
Oct-23	2926568.72
Nov-23	2477444.24
Dec-23	3409322.36
Jan-24	3455987.44
Feb-24	3678307.86
Mar-24	4532006.61
Apr-24	5551028.42
May-24	5972532.49
Jun-24	5926781.29
Jul-24	6122929.28
Total	201578218.39



(Rs. Twenty Crore fifteen lakhs seventy eight thousand two hundred eighteen only)

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TRIBUNAL
WESTERN ZONAL BENCH, PUNE
ORIGINAL APPLICATION NO. 44/2022**

Aryavat Foundation

...Applicant

Versus

**M/s. Lote Parshuram Environment
Protection Co-operative Society Ltd.
And others ... Respondents**

ଓଡ଼ିଆ ଚିତ୍ରାଙ୍କନ
**ADDITIONAL AFFIDAVIT OF
RESPONDENT NO.4**
ଓଡ଼ିଆ ଚିତ୍ରାଙ୍କନ

Dated: This 19th day of September, 2024

19 SEP 2024



**Navdeep Vora & Associates,
Advocates for Respondent No. 4**

**Office No. 32, 2nd Floor,
Building No. 105,
Mumbai Samachar Marg,
Fort, Mumbai - 400 001**

Code No. :I/5397

MAH-1676-1992

O.S. REG – 7946

Mob. No.:9820007957

navdeep@nvasso.com