

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE

Original Application No. 43/2024

[Earlier Original Application No. 116/2024 (PB)]

News Item Titled "Kalyan Villagers allege Chemical Dumping  
in Nullah seek MPCB Intervention" appearing in Hindustan  
Times dated 30.12.2023

**ADDITIONAL REPLY AFFIDAVIT BY MPCB**

I, Upendra Kulkarni, age – 52, occupation – service, the Sub-  
Regional Officer, Maharashtra Pollution Control Board at Kalyan –  
I, having my office address at Siddhivinayak Sankul, 3<sup>rd</sup> and 4<sup>th</sup>  
Floor, Near Oak Garden, Station Road, Kalyan (West), Dist : Thane  
– 421 301, do hereby state on solemn affirmation as under :-

1. I say and submit that I have already filed a detailed affidavit  
in reply dated 28.03.2024 before this Hon'ble NGT. I am  
filing this Additional Affidavit in compliance of the Hon'ble  
NGT Order dated 05.04.2024.
2. I say and submit that this Hon'ble NGT vide Order dated  
05.04.2024 passed detailed order and issued the following  
directions –



... 8. It is further mentioned in this affidavit by the respondent No.1- MPCB that the Respondent-Board vide letter dated 14.02.2024 requested Taluka Krushi Adhikari, Kalyan to submit the report as to whether the nalla water had affected the crop production. But the report is still awaited. We direct that a report of the same be obtained expeditiously and submitted before us. ...

... 10. It is further mentioned in this affidavit by the respondent No.1- MPCB that the proposed directions had been issued to M/s. Sanchita Associates, Kalyan vide letter dated 28.03.2024 and 50% amount of the bank guarantee had also been forfeited. It is also recorded that some additional top up bank guarantee was required for compliance from M/s. Inventys Research Co. Pvt. Ltd., Butibori, Nagpur. But how much is the said amount has not been disclosed. ...

3. I say and submit that in response to the direction issued in para no. 8 of the order dated 05.04.2024, it is humbly stated that the Taluka Agricultural Officer, Tal. Kalyan, District Thane has communicated to MPCB vide their letter dated 12.06.2024 that they conducted site visit on the agricultural



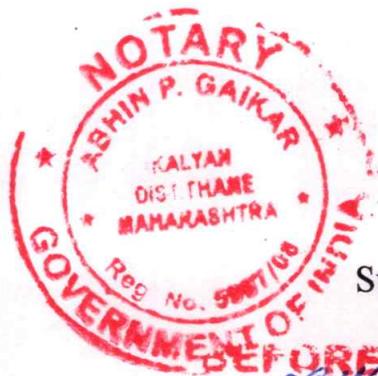
farm admeasuring 3 *gunthas* of Shri. Deepak Pawar and observed wilted vegetables, one Mosambi tree and two mango trees.

Further they have mentioned that they don't have the expertise to verify whether the vegetables and trees have wilted as a result of soil contaminated due to the alleged discharge of chemical polluted water. Further, they don't have the expertise to test whether the soil has contaminated due to alleged discharge of chemical polluted water. And therefore, they cannot comment whether the vegetable and trees have wilted due to alleged soil pollution caused due to discharge of chemical contaminated water. They further mentioned that if the soil and water testing is done through any expert person and if such report is submitted to them, then they would be able to state whether the vegetation has been affected and destroyed due to chemical laced waste water. A copy of the Marathi letter dated 12.06.2024 alongwith its translation received from the Taluka Agricultural Officer, Tal. Kalyan, District Thane to Respondent No.1-MPCB is annexed as an **Annexure-I.**



4. I say and submit that in response to the directions issued in para 10 of the order dated 05.04.2024, it is humbly stated that vide letter dated 28.03.2024, the Regional Officer of the Respondent No.1-MPCB at Nagpur has directed the Branch Manager, HDFC Bank, to forfeit the Bank Guarantee of Rs. 2,50,000/- out of Rs. 5,00,000/- submitted by M/s. Inventys Research Company Pvt. Ltd, MIDC Butibori, Tal-Hingna, Dist-Nagpur with a direction to M/s. Inventys Research Company Pvt. Ltd. to submit top up Bank Guarantee of Rs. 5,00,000 towards compliance of consent conditions, which is mentioned on page-2 of the said letter. A copy of the letter dated 28.03.2024 is enclosed herewith and marked as an **Annexure-II.**

Solemnly affirmed on this 27<sup>th</sup> day of June, 2024 at \_\_\_\_\_



For and on behalf of MPCB,

*(Signature)*  
(Upendra Kulkarni)

Sub-regional Officer, Kalyan - I

**ABHIN P GAIKAR**

B.A., LL.B

**ADVOCATE & NOTARY**

Mrunal Niwas, Dawadi Road,

Golavali, Tal. Kalyan, Dist. Thane

Reg. No. 3654 Date **27 JUN 2024**

Taluka Agriculture Officer, Kalyan, District : Thane  
Walipir Road, Bail Bazar, Shaha Chamber, 4th Floor, Above Dr.  
Upasani Hospital  
Kalyan (West), Taluka : Kalyan, District : Thane, Pin : 421 301  
Email ID-taokalyan2018@gmail.com

No.TAOK/Sankhya/Rahalprakhampaa/444/2024 Dated 12/6/2024

To  
Sub-Regional Officer,  
Maharashtra Pollution Control Board,  
Kalyan-1.

Sub : Regarding submission of crop report in Gram Panchayat area  
at Waholi before the Hon'ble National Green Tribunal,  
Principal Bench, New Delhi

Ref : Your letter No.MPCB/SROK1/127, dated 18/4/2024

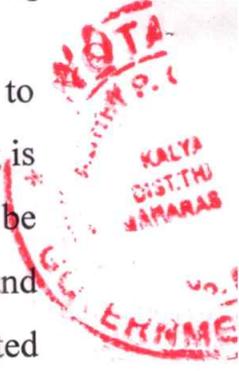
Sir,

With reference to your letter on the captioned subject, Shri Bhagwan Pathare, Mandal Krishi Adhikari, Tal: Kalyan, Krishi Adhikari Office, Kalyan from this office conducted site visit on the agricultural farm admeasuring 3 *gunthas* of Shri. Deepak Pawar and observed wilted vegetables, one Mosambi tree and two mango trees, which is mentioned in their visit report.

As per the visit report, Mr. Deepak Pawar stated that the dead vegetables, Mosambi and Mango crops are due to the dumping of chemical waste water/chemicals in the said area.

This office have no expertise to verify whether the vegetables and trees have wilted as a result of soil contaminated due to the alleged discharge of chemical polluted water. Further, this office have no expertise to test as to whether the soil is contaminated due to alleged discharge of chemical polluted water and it is not possible to comment as to whether the

vegetable and trees have wilted due to alleged soil pollution caused due to discharge of chemical contaminated water. If the soil and water testing is done through any expert person and if such report is received, it could be possible to state as to whether the vegetation has been affected and destroyed due to chemical laced waste water. The above report is submitted for your information and further action.



Sd/-  
Taluka Agriculture Officer  
Tal: Kalyan, Dist. Thane

Enclosed – Site Inspection Report of Mandal Agriculture Officer, Kalyan

Copy for information to : Hon'ble Sub Divisional Agriculture Officer,  
Kalyan, Dist: Thane.

**Inspection Report**

On the basis of complaint made by Shri Deepak Pawar of Waholi and as per letter dated 11/5/2024 received from the Sub-Regional Officer, Maharashtra Pollution Control Board, Kalyan-1 and in pursuance of submission of crop report in Waholi Gram Panchayat area before Hon'ble National Green Tribunal, Principal Bench, New Delhi, the undersigned visited to the said place. Complainant Shri Deepak Pawar was present during visit. According to the complainant, due to the chemical mixed water, the borewell water is mixed with the chemical, and it is said that the vegetables near their house (eggplant, okra, guar in Guntha area) are dying due to adverse effect and the fruits such as mango, mosambi etc. are getting damaged.

During the visit, 2 to 3 bunches of vegetables were found to be dead. Also the trees of Mosambi and Mango were found to be dry.

Date : 11.05.2024

Place : Waholi.

Sd/-  
Deepak Pawar

Sd/-  
Pravin Birhade  
Agricultural Supervisor  
Saja Mangoli, Taluka-Kalyan

Sd/-  
Bhagwan Pathare  
Mandal Krishi Adhikari



## तालुका कृषि अधिकारी , कल्याण , जि. ठाणे



वलीपीर रोड , बैल बाजार , शहा चेंबर , ४ था मजला , डॉ.उपासनी हॉस्पिटलच्यावर ,

कल्याण (प) ता.कल्याण , जि.ठाणे . पिन - ४२१३०१.

Email Id-taokalyan2018@gmail.com

जा.क्र./ताकृअक /सांख्य /राहलप्रखंपाअ / ४४४ / २०२४

दिनांक - १२/०६/२०२४

प्रती,

उप प्रादेशिक अधिकारी,  
महाराष्ट्र प्रदुषण नियंत्रण मंडळ,  
कल्याण १

प्रादेशिक कार्यालय  
म.प्र.नि. मंडळ, कल्याण.  
आवक क्र. 2164  
दिनांक: 13/06/24

विषय - मा.राष्ट्रीय हरित लवाद, प्रधान खंडपीठ, नवी दिल्ली येथे वाहोली ग्रामपंचायत परिसरातील पिक अहवाल सादर करणे बाबत ...

संदर्भ - आपले कार्यालयाचे पत्र जा.क्र.मप्रनि/ उप्राकाक१/१२७ /दिनांक १८/०४/२०२४

महोदय ,

वरिल संदर्भीय विषयांन्वये, या कार्यालयाकडून श्री.भगवान पथारे, मंडळ कृषि अधिकारी, कल्याण, तालुका कृषि अधिकारी कार्यालय कल्याण यांनी वाहोली येथील श्री. दिपक पवार यांच्या शेतीची प्रत्यक्ष पाहणी केली असता सदर ठिकाणी असणाऱ्या ३ गुंठे क्षेत्रावरील भाजीपाला मर झाल्याचे आढळले, तसेच मोसंबी - १, आंबा - २ झाडे सुकल्याचे आढळून आले आहे, असे त्यांनी पाहणी अहवालामध्ये नमूद केले आहे.

वरिल प्रत्यक्ष पाहणी अहवालावरून मर झालेली भाजीपाला, मोसंबी व आंबा पिके हि केमिकल युक्त सांडपाणी / रसायन, सदर क्षेत्रामध्ये टाकल्यामुळे मर झालेली आहेत, असे शेतकरी श्री. दिपक पवार यांचे म्हणणे आहे.

वरील सदर क्षेत्रातील पिके केमिकल युक्त सांडपाणी / रसायन मुळे मर झालेली आहेत किंवा नाही याची शहानिशा करण्यासाठी तसेच सदर मातीमध्ये पिकास हानिकारक असणारे रसायने आहेत किंवा नाहीत याचे पृथक्करण करण्यासाठी तज्ञ व्यक्ती व सुविधा या कार्यालयाकडे उपलब्ध नाहीत, त्यामुळे वरिल पिकांचे नुकसान रसायनयुक्त सांडपाण्यामुळे झाले आहे किंवा नाही हे सांगणे शक्य होत नाही. सदर क्षेत्रातील मातीचे व पाण्याचे पृथक्करण तज्ञ व्यक्तीकडून झाल्यास व तसा अहवाल प्राप्त झाल्यास सदर क्षेत्रावरील पिकांचे नुकसान हे रसायन युक्त सांडपाण्यामुळे झाले आहे कि नाही हे सांगता येईल. तरी वरिल प्रमाणे अहवाल आपले माहितीसाठी व पुढील कार्यवाहीसाठी सविनय सादर.

उप प्रा.प्र.  
कृ १

तालुका कृषि अधिकारी  
ता.कल्याण , जि. ठाणे.

सोबत - मंडळ कृषि अधिकारी, कल्याण यांचा स्थळ पाहणी अहवाल.

पत्र - मा.उप विभागीय कृषि अधिकारी , कल्याण , जि. ठाणे यांना माहितीसाठी सविनय सादर .



**MAHARASHTRA POLLUTION CONTROL BOARD****Regional Office, Nagpur**

Website : mpcb.gov.in  
e-mail : ronagpur@mpcb.gov.in  
Fax : 2560851  
Phone : 2565308, 2560139



Regional Office,  
5th Floor, Udyog  
Bhawan, Civil  
Lines, Nagpur.-  
440 001.

"Your service is our duty"

No. MPC/NRO/BG/ 1653/2024

Date: 28/03/2024

To,  
The Branch Manager,  
HDFC Bank Ltd.,  
Manek Smruti, Vile Parle (East),  
Mumbai 400 057.

Sub :-Forfeit of Bank Guarantee Rs. 2,50,000/- Out of Rs. 5,00,000/- M/s. Inventys Research Company Pvt. Ltd., Plot No K-38, MIDC Butibori, Tq. Hingna Dist Nagpur.

Ref :- 1. Board Consent no. Format1.0/CC/UAN No.0000121034/CR/2205000385 dtd 07/05/2022.

2. Legal Action Approval received from HQ Mumbai on 26/03/2024.

3. Bank Guarantee No. 240GT02222570023 dtd 14/09/2022 valid upto 31/01/2027.

Sir,

As per above reference no. 01 Board has granted renewal of consent u/s 26 of Water (P & CP) Act 1974 and u/s 21 of Air (P & CP) Act 1981 subject to impose Bank Guarantee as per enforcement policy towards compliance of consent conditions above industry violating Hazardous Waste & Other Waste (Management and Transboundry Movement) Rules 2016 i.e. transport and disposal Hazardous Waste through unauthorised party, hence Board has decided to forfeit Bank Guarantee of Rs. 2,50,000/- Out of Rs. 5,00,000/-.

**In view of above, you are requested to forfeit the Bank Guarantee of above industry Rs. 2,50,000/- Out of Rs. 5,00,000/- which is issued by your Bank vide BG. No. 240GT02222570023 dtd 14/09/2022 valid upto 31/01/2027. You are further requested to send D.D. of amounting of Rs. 2,50,000/- drawn in favour of Regional Officer M.P.C. Board, Nagpur.**

The original Bank Guarantee vide B.G. No. 240GT02222570023 dtd 14/09/2022 is enclosed herewith for further action.

D.A.:- Original Bank Guarantee.  
(B.G. 240GT02222570023 dtd 14/09/2022)

Yours faithfully,

(Rajendra U. Patil)

I/c. Regional Officer, Nagpur

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0/L

(2)

Copy submitted for favour of information to:-

1. The Joint Director (WPC), MPC Board, Sion, Mumbai.

Copy to :- 1. Sub- Regional Officer, M. P.C. Board, Nagpur-II - for your information.

2. M/s. Inventys Research Company Pvt. Ltd., Plot No K-38, MIDC Butibori, Tq. Hingna Dist Nagpur.

You are directed to submit top up Bank Guarantee of Rs. 5,00,000/- towards compliance of Consent Conditions.