

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 69 OF 2022
With
ORIGINAL APPLICATION NO 114 OF 2023

IN THE MATTER OF-

Mr. SUNIL PHARATE, SANGLI DISTRICT APPLICANT
HEAD OF SWATANTRA BHARAT PAKSH.

V/s.

STATE OF MAHARASHTRA THROUGH RESPONDENTS
SECRETARY OF ENVIRONMENT AND
CLIMATE CHANGE MANTRALAYA,
MUMBAI-400 032 & ORS.

&

YASHWANTRAO MOHITE KRISHNA SAHAKARI SAKKHAR KARKHANA LTD
AND ORS RESPONDENTS.

**ADDITIONAL REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No. 4 & 5.
REGARDING ENVIRONMENTAL COMPENSATION TO BE LEVIED FROM THE
INDUSTRIES.**

I, Navanath S. Awatade, aged about 54 years, occupation-service, the Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at Udyog Bhavan, Vishrambag, Sangli-416415. I am filing this affidavit on behalf of the Respondent No - 4 & 5 do hereby solemnly affirm state as under-

I, am presently working as the Sub Regional Officer, Sangli with the Maharashtra Pollution Control Board. I say and submit that, I have gone through the Hon'ble Green Tribunal (WZ) Pune order dated 29-08-2023 and thereafter made myself conversant with the facts and circumstances. And also I am submitting an Additional Reply Affidavit on behalf of Respondent No. 4 & 5 Regarding Environmental Compensation to be levied from the all Respondents Industries.

1. I say and submit that this Hon'ble National Green Tribunal (WZ) Pune in its order passed on dated 29-08-2023 and directed that *"The Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the*

environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into River Krishna, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the additional reply to affidavit."

2. I say and submit that in compliance with the said order dated 29.8.2023, on the basis of observations and recommendations of the joint committee inspection and report submitted to Hon'ble National Green Tribunal (WZ) Pune on dated 14th November 2022, the environmental compensation of industries has been calculated which are found to the joint committee violating to be indulged in letting the effluent being flowed into River Krishna, which has resulted in pollution of the said river as well as killing of fish.
3. I say and submit that the Environmental Compensation for Discharges in violation of consent conditions, mainly prescribed standards/consent limits. Accidental discharges lasting for short durations resulting into damage to the environment. Intentional discharges to the environment i.e. land, water and air resulting in acute injury or damage to the environment.
 - i) Methodology recommended in "Report of the Central Pollution Control Board In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental



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Compensation on the unit for illegal untreated effluent discharge and without any treatment into the environment.

ii) The details of environmental compensation of the industries are as below.

a) **M/s. Padmabhushan Karntiveer Dr. Naganath Anna Nayakwadi Hutatma Kisan Ahir Sahakari Sakhar Karkhana Ltd., (Distillery Unit), Walwa, Tal-Walwa, Dist-Sangli.**

- Total environmental compensation calculated on the unit is Rs. 56,70,000/- (Rs. Fifty-Six Lakhs, Seventy Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed & marked as "Annexure-A". And the same was communicated to the industry earlier.

b) **M/s. Padmabhushan Karntiveer Dr. Naganath Anna Nayakwadi Hutatma Kisan Ahir Sahakari Sakhar Karkhana Ltd., (Sugar Unit), Walwa, Tal-Walwa, Dist-Sangli.**

- Total environmental compensation calculated on the unit is Rs. 42,30,000/- (Rs. Forty-Two Lakhs, Thirty Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed & marked as "Annexure-B".

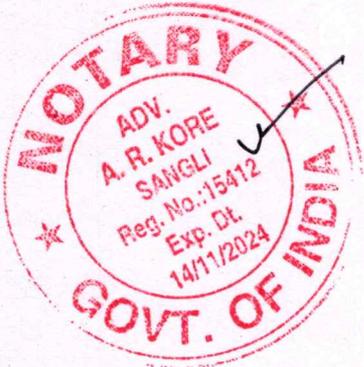
c) **M/s. Rajarambapu Patil Sahakari Sakhar Karkhana Ltd., (Distillery unit), Rajaramnagar Sakhrale, Tal: Walwa, Dist: Sangli.**

- Total environmental compensation calculated on the unit is Rs. 74,10,000/- (Rs. Seventy-four Lakhs Ten Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed & marked as "Annexure-C".

d) **M/s. Rajarambapu Patil Sahakari Sakhar Karkhana Ltd., (Sugar unit), Rajaramnagar Sakhrale, Tal: Walwa, Dist: Sangli.**

- Total environmental compensation applicable on the unit is Rs. 40,50,000/- (Rs. Forty Lakhs Fifty Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed & marked as "Annexure-D".

e) **M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd., (Distillery unit), At/Post-Shivnagar, Tal: Karad, Dist: Sangli.**



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- Total environmental compensation calculated on the unit is Rs. - 1,16,40,000 (Rs. One crore Sixteen Lakh Forty Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed as marked as "Annexure-E".

f) **M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd., (Sugar unit), At/Post-Shivnagar, Tal: Karad, Dist: Sangli.**

- Total environmental compensation calculated on the unit is Rs. 1,16,40,000 (Rs. One crore Sixteen Lakh Fourty Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed as marked as "Annexure-F".

g) **Sangli Miraj and Kupwad City Municipal Corporation, Sangli:**

- i) It is submitted that total wastewater generation from Sangli Miraj and Kupwad Municipal Corporation Sangli is about 88 MLD. Out of 88 MLD, only 23.5 MLD of wastewater is being treated at Hanuman Nagar, Sangli and 27 MLD of wastewater from other areas of corporation & extended Municipal Corporation of Sangli is being treated at Oxidation Pond at Dhulgaon.
- ii) It is submitted that the 27.00 MLD Oxidized wastewater is either discharged for irrigation or discharged into Krishna River through Sheri Nallah during most of the time when pumping station at Sheri Nallah is non-operational and till date the untreated wastewater is being discharged into River Krishna.
- iii) It is submitted that the 22.5 MLD of wastewater from Miraj Bedag Road is being treated at Oxidation Pond at Bedag Gaon and the oxidized wastewater is discharged for irrigation.
- iv) It is submitted that considering the continuous discharge of untreated wastewater into River Krishna from various natural nallas from the Sangli Miraj and Kupwad Municipal Corporation Sangli area since long back years therefore it is difficult to calculate of Environmental Compensation pertaining to Sangli Miraj and Kupwad Municipal Corporation this matter. Therefore, it is prayed to grant 2 weeks' time for calculation of EC for Sangli Miraj Kupwad Municipal Corporation.



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OA No 114 of 2023 - Sunil Pharate Vs Yashwantrao Mohite Krishna SSK Ltd.

4. I say and submit that the OA No 114 of 2023 falls under Regional Office, Pune and Sub Regional Office-Satara. However, OA No 114 of 2023 & 69 of 2022 have been tagged together by this Hon'ble Tribunal vide order dated 1.9.2023 therefore Affidavit in reply is submitted by undersigned after getting relevant information from the concern officers of the Board.

In compliance with this Hon'ble Tribunal Order dated 1.9.2023, the joint committee report has been filed in OA No 69 of 2022 on 13.11.2022 before Hon'ble NGT, Pune. In respect of calculation of Environment Compensation, of M/s Yashwantrao Mohite Krishna SSK Ltd (Distillery Unit) and M/s Yashwantrao Mohite Krishna SSK Ltd (Sugar Unit) the details are as follows:

• **M/s Yashwantrao Mohite Krishna SSK Ltd (Distillery Unit):**

- Total environmental compensation calculated on the unit is Rs. 1,16,40,000/- (Rs. One Crore Sixteen Lakhs Forty Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed as per "**Annexure-"E"**".

• **M/s Yashwantrao Mohite Krishna SSK Ltd (Sugar Unit):**

- Total environmental compensation calculated on the unit is Rs. 1,16,40,000/- (Rs. One Crore Sixteen Lakhs Forty Thousand Only). The detailed report of Environmental Compensations Calculation is enclosed as per "**Annexure-"F"**".

Solemnly affirmed on the day th28 November 2023

Identified by

ssat
Advocate Saurabh S. Patil

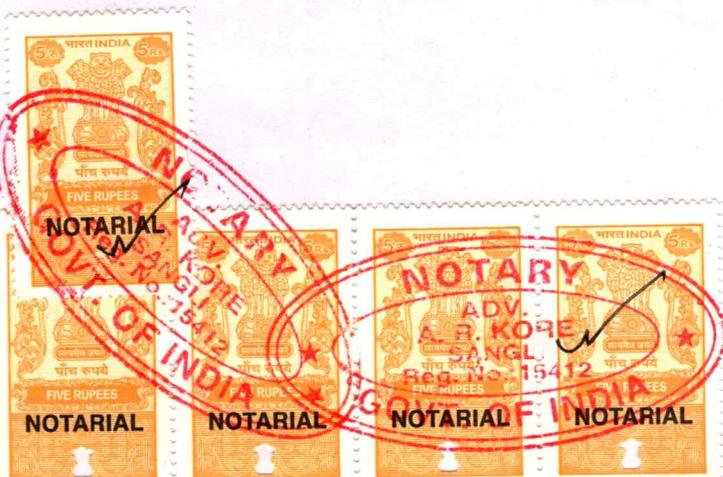
For and on behalf of Respondent No. 4 & 5.

Mutade
(Navanath S. Awatade)
Sub Regional Officer-Sangli.

Solemnly affirmed before me by
Shri Navanath S. Awatade of Sangli
Who is identified before me !
Shri Saurabh S. Patil Adv.⁵ of Sangli
whom personally known.
ADV. A. R. KORE
NOTARY REG. NO. 15412,
GOVT. OF INDIA
Kaveri Appt., Saraswatnagar
SANGLI - 416 416 (M.S.)
28/11/2023



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Report on Environmental Compensation to be levied on M/s. **M/s Padmabhushan Krantiveer Dr. Naganathanna Nayakwadi Hutatma Kisan Ahir SSK Ltd., (Distillery unit), Naganathanna Nagar, Tal: Walwa, Dist:Sangli, Maharashtra,** in compliance with order dated 29/08/2023 of Hon'ble National Green Tribunal in the matter of Original Application No. 69/2022 (WZ).

1. Background

In the matter of Original Application No. 69/2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to biodiversity on account of the said untreated effluent being discharged into the said river & in compliance of the order of the Hon'ble National Green tribunal (WZ) vide dated 24/08/2022, the Joint Committee has visited & inspected the industry on 30/09/2022 & submitted the joint committee report to Hon'ble National Green Tribunal.

Considering the above non-compliances, MPCB has issued the Direction under section 33A of the Water (Prevention & Control Of Pollution) Act, 1974 to the unit on 11/01/2023. A Copy of the direction dated 11/01/2023 is enclosed at **Annexure-I**.

The Hon'ble Tribunal directed vide order dated 29/08/2023 in the aforesaid matter that Maharashtra Pollution Control Board shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishna, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industries and accordingly, environmental compensation to be levied from them should also be calculated by them. Copy of the said order dated 29/08/2023 is enclosed at **Annexure-II**.

This report is about the calculation of environmental compensation applicable on the said unit in compliance of the aforesaid order dated 29/08/2023 of the Hon'ble Tribunal.

2. Environmental Compensation

Environmental Compensation for Discharges in violation of consent conditions, mainly prescribed standards / consent limits. Accidental discharges lasting for short durations resulting into damage to the environment. Intentional discharges to the environment i.e. land, water and air resulting in acute injury or damage to the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit for illegal untreated effluent discharge and without any treatment into the environment.

Considering that the unit were discharging effluent in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and also not imparting any treatment to the effluent, the following formula, as referred in the aforesaid report of the CPCB In-house Committee, may be used for levying Environmental Compensation on the unit taking case (a) among the various cases of the said report:

Environmental Compensation (EC) in Rupees = PI x N x R x S x LF

Where,

The unit is under Red Category No. R-60 as per Modified Directions of CPCB dated 07/03/2016, Annexure-IV.

PI = Pollution index of industrial sectors.

The unit falls under Red category, hence **PI = 80**

N = Number of days violation took place.

N = 189 days. (Season 2022- 2023)

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250 as the Environmental Compensation in cases of violation. Hence, **R = 250**

S = Factor for the scale of operation.

The unit being Large Scale unit, **S=1.5**

LF = Location factor.

LF is presumed as 1 for city/town having population less than one million. **LF = 1.0**

Therefore, Environmental Compensation (EC) in Rupees.

= 80 x 189 x 250 x 1.5 x 1.0

= Rs. 56, 70, 000/- (Rs. Fifty Six Lakhs Seventy Thousand Only)

3. Environmental Compensation for extraction of ground water:

As industry utilizes the water from Krishna River water supply, hence environmental compensation for extracting ground water may not be applicable to the unit.

4. Conclusions

- (i) The environmental compensation applicable on the unit is:

Environmental Compensation for violation of consent conditions & discharge of effluent into the environment is Rs. 56, 70, 000/- (Rs. Fifty Six Lakhs Seventy Thousand Only)

- (ii) Environmental compensation for extracting ground water may not be applicable to the unit.

Total environmental compensation applicable on the unit is Rs. 56, 70,000/- (Rs. Fifty Six Lakhs Seventy Thousand Only)


(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur.

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

Tel. No. (0231) 2652952,

2660448

Fax No. (0231) 2652952

E-mail:

rokolhapur@mpcb.gov.in

No. MPCB/ROKOL/PD/ 23 01110012



"Your Service is Our Duty"

Udyog Bhavan,

Near Collector Office,

Kolhapur - 416 003.

Website: <http://mpcb.mah.nic.in>

Date:- 11/01/2023

To,

**M/s. Padmabhushan Krantiveer Dr. Naganathanna
Nayakwadi Hutatma Kisan Ahir Sahakari Sakhar
Karkhana Ltd. 1012, Naganathanna Nagar; Walwe
Tal.-Walwa, Dist.- Sangli**

Sub: -Directions u/s 33A of the water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air(Prevention & Control of Pollution) Act, 1981.

Ref: - 1) Consent to Operate granted by the Board vide dtd. 4.11.2022

2) Grievance in the Original Application No. 69 of 2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors.

3) Constitution of joint committee submitted inspection report to Hon'ble NGT Pune.

WHEREAS, it is obligatory on your part to comply with the conditions of the Consent to Operate granted by the Board to your unit 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 under Rule 5 of the Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016.

AND WHEREAS, industries falling in 17 categories of highly polluting industries which are discharging environment pollutants directly or indirectly into the environment, having potential threat to cause adverse effect on the water and air quality.

AND WHEREAS, it is an obligatory on your part to Comply the consent condition granted 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 under Rule 5 of the Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016 vide above ref. letter (1).

AND WHEREAS, it is also an obligatory on your part to provide adequate pollution control systems and operate & maintain the same continuously and effectively so as to achieve the consented standards prescribed under Environment (Protection) Act, 1986 and to avoid any sort of Pollution problem in the surrounding area.

AND WHEREAS, Grievance in the Original Application No. 69 of 2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh VS State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to bio- diversity on account of the said untreated effluent being discharged into the said river.

AND WHEREAS, the joint committee after due deliberation and in order to address the issues & for compliance of the Hon'ble NGT order dated 24/08/2022 decided to carry-out inspection of distillery industries and recommended various compliances

AND WHEREAS, based on the joint committee inspection, observations & findings w.r.t environmental management system installed for treatment of effluent and analysis results of water samples collected from various natural drains; the industry hereby directed for the following compliances.

1. Distillery operations shall not be permitted during the present season until the remaining spent wash contaminated water stored in the 30 days lined spent wash storage lagoon and leachate collection pit of bio-compost yard, are completely treated in the existing ETP of distillery i.e. through bio-digester followed by concentration in MEE. Resultant concentrated effluent stream shall be utilized in subsequent preparation of bio-compost along with press mud.
2. De-sludge the accumulated sludge from 30 days lined spent wash storage lagoon and the sludge shall be managed in existing sludge drying beds of ETP. The dried sludge may be proportionated with press mud for preparation of bio-compost, upon examining the feasibility through any reputed Govt. institute/Govt. Engineering College.
3. Ensure that concentrated spent wash generated shall be completely utilized in preparation of bio-compost during non-monsoon season i.e. within 270 days of total operational period. Further, at the end of each season accumulated sludge shall be removed and managed in existing sludge drying beds of ETP.
4. Upon start of distillery season, the dried sludge may be proportionated with press mud for preparation of bio-compost.

AND WHEREAS, after examining the record of your case, report of joint inspection of committee and making necessary enquiries, I am satisfied that, you are causing Environmental Pollution Problems in the surrounding area and knowingly and willfully causing grave injury to the environment thereby violating various Environment enactments.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board of the under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities)

- i) Why further legal action shall not be initiated against your unit?

You are directed to file your reply to these directions if any, within 7 days from the receipt of this notice, failing which Board shall consider issuance of appropriate legal directions as may be deemed fit in your case, which may please be noted.

Thus, you are not serious about the pollution control and violating the provisions of the above said enactments and also damaging the surrounding environment knowingly and willfully.

In view of above, you are hereby instructed to submit your explanation for above observed lacunas immediately to this office from the date of receipt of this notice. Failure the same legal action will be initiated against you, which may be noted.

FOR AND ON BEHALF OF THE BOARD

J. S. Salunkhe
(J. S. Salunkhe)

11.01.2023

Regional Officer, M. P. C. Board, Kolhapur.

Copy submitted for information to

1. The Hon'ble Member Secretary, MPCB Mumbai
2. The Joint Director (APC), MPCB Mumbai.

Copy to:

The Sub-Regional Officer, MPCB Sangli- He is directed to serve the directions to

Item No.6

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.69/2022(WZ)Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh
.....Applicant

Versus

State of Maharashtra & Ors.
....Respondent(s)

Date of hearing: 29.08.2023

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

Applicant : Mr. Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Env't. Deptt. &
R-2/CPCB
Mr. Vilas Jadhav, Advocate for R-4 & 5/MPCB
Ms. Supriya Dangare, Advocate for R-7/SMKMC
Mr. Dattatray Devale, Advocate for R-8 & 16
Mr. Saurabh Kulkarni, Advocate for R-9 to 15
Mr. Aditya Desai, Advocate for R-18 & 19
Mr. Abhineet Pange, Advocate for R-19/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who submits that he needs some time to be allowed to file rejoinder affidavit against the reply affidavit filed from the side of respondent Nos.10, 11, 13 & 15, which has been received by him yesterday only, for which we allow two weeks' time to file the same.

2. From the side of respondent No.1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for respondent No.2/Central Pollution Control Board (CPCB), learned Counsel Mr. Aniruddha S. Kulkarni has appeared, who apprised us that he has already filed reply affidavit on

behalf of Respondent No.2/CPCB and does not want to file reply affidavit on behalf of respondent No.1/MoEF&CC.

3. None has appeared from the side of respondent No.3/the Collector, Sangli, respondent No.6/Department of Fisheries despite sufficient service.

4. From the side of Respondent Nos.4 & 5/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit as well as Joint Committee Report have already been filed.

5. From the side of respondent No.7/Sangli Miraj Kupwad Municipal Corporation, learned Counsel Ms. Supriya Dangare has appeared, who apprised us that reply affidavit has already been filed.

6. From the side of respondent No.8/Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and for respondent No.16-M/s. Yashwantrao Mohite Krishna SSK Ltd. (Distillery unit), learned Counsel Mr. Dattatray Devale has appeared, who apprised that reply affidavit has been filed from the side of respondent No.8 and the same may be treated to have been filed from the side of respondent No.16 as well. He further submits that in addition to the reply affidavit filed earlier, today he has filed additional reply affidavit on behalf of these respondents and a copy of the same is said to have been served upon all the other parties.

7. From the side of respondent Nos.9 to 15/Project Proponents, learned Counsel Mr. Saurabh Kulkarni has appeared, who submits that he has filed reply affidavits on behalf of respondent Nos.10, 11, 13 & 15 and he does not want to file reply affidavits from the side of respondent Nos.9, 12 & 14 because no relief is sought against them.

8. We find from record that the Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishan, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the said affidavit within a period two weeks. We further direct that a copy of the said affidavit shall also be served upon all other parties, who may file objections against the same, if any, within a period of one week thereafter.

Put up this matter for final hearing on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 29, 2023
Original Application No.69/2022(WZ)
P.Kr

Report on Environmental Compensation to be levied on M/s. M/s Padmabhushan Krantiveer Dr. Naganathanna Nayakwadi Hutatma Kisan Ahir SSK Ltd., (Sugar unit), Naganathanna Nagar, Tal: Walwa, Dist:Sangli, Maharashtra, in compliance with order dated 29/08/2023 of Hon'ble National Green Tribunal in the matter of Original Application No. 69/2022 (WZ).

1. Background

In the matter of Original Application No. 69/2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to biodiversity on account of the said untreated effluent being discharged into the said river & in compliance of the order of the Hon'ble National Green tribunal (WZ) vide dated 24/08/2022, the Joint Committee has visited & inspected the industry on 30/09/2022 & submitted the joint committee report to Hon'ble National Green Tribunal.

Considering the above non-compliances, MPCB has issued the Direction under section 33A of the Water (Prevention & Control Of Pollution) Act, 1974 to the unit on 11/01/2023. A Copy of the direction dated 11/01/2023 is enclosed at **Annexure-I**.

The Hon'ble Tribunal directed vide order dated 29/08/2023 in the aforesaid matter that Maharashtra Pollution Control Board shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishna, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industries and accordingly, environmental compensation to be levied from them should also be calculated by them. Copy of the said order dated 29/08/2023 is enclosed at **Annexure-II**.

This report is about the calculation of environmental compensation applicable on the said unit in compliance of the aforesaid order dated 29/08/2023 of the Hon'ble Tribunal.

2. Environmental Compensation

Environmental Compensation for Discharges in violation of consent conditions, mainly prescribed standards / consent limits. Accidental discharges lasting for short durations resulting into damage to the environment. Intentional discharges to the environment i.e. land, water and air resulting in acute injury or damage to the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit for illegal untreated effluent discharge and without any treatment into the environment.

Considering that the unit were discharging effluent in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and also not imparting any treatment to the effluent, the following formula, as referred in the aforesaid report of the CPCB In-house Committee, may be used for levying Environmental Compensation on the unit taking case (a) among the various cases of the said report:

Environmental Compensation (EC) in Rupees = $PI \times N \times R \times S \times LF$

Where,

The unit is under Red Category No. R-12 as per Modified Directions of CPCB dated 07/03/2016, Annexure-IV.

PI = Pollution index of industrial sectors.

The unit falls under Red category, hence **PI = 80**

N = Number of days violation took place.

N = 141 days. (Crushing season 2022-2023)

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250 as the Environmental Compensation in cases of violation. Hence, **R = 250**

S = Factor for the scale of operation.

The unit being Large Scale unit, **L=1.5**

LF = Location factor.

LF is presumed as 1 for city/town having population less than one million. **LF = 1.0**

Therefore, Environmental Compensation (EC) in Rupees.

= $80 \times 141 \times 250 \times 1.5 \times 1.0$

= Rs. 42, 30,000/- (Rs. Forty Two Lakhs Thirty Thousand Only)

3. Environmental Compensation for extraction of ground water:

As industry utilizes the water from Krishna River water supply, hence environmental compensation for extracting ground water may not be applicable to the unit.

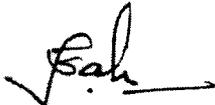
4. Conclusions

(i) The environmental compensation applicable on the unit is:

Environmental Compensation for violation of consent conditions & discharge of effluent into the environment is **Rs. 42, 30,000/- (Forty Two Lakhs Thirty Thousand Only)**

(ii) Environmental compensation for extracting ground water may not be applicable to the unit.

Total environmental compensation applicable on the unit is Rs. 42, 30,000/- (Rs. Forty Two Lakhs Thirty Thousand Only)


(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur.

MAHARASHTRA POLLUTION CONTROL BOARD REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448
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Kolhapur - 416 003.
Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/PDI 2301110009

Date: 11/01/2023

To,
M/s. Padmabhushan Krantiveer Dr. Naganath Anna Nayakawdi
Hutatma Kisan Ahir Sah. Sakhar Karkhana Ltd. (Sugar)
Nanaganatha Anna Nagar Walwa
Tal. Walwa, Dist. Sangli.

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M, H & T) Rules, 2008 as amended.

Ref: 1. Hon'ble National Green Tribunal dated 24/08/2022 in the Original Application No. 69 of 2022 (WZ),
2. Visit of Board Officials along with Committee Member on 30.11.2022.
3. Proposal submitted by SRO, Sangli.

WHEREAS, you are operating your unit in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, The joint committee has visited your unit on 30/11/2022 submitted the report to Hon'ble NGT, and observed following non compliances.

1. You have failed to achieve the MPCB prescribed discharge standards. & Also fail to carry-out adequacy assessment report of the existing ETP through a reputed Govt. institute/Govt. Engineering College and accordingly augment the ETP so as to achieve the MPCB prescribed discharge standards.
2. You have failed to Provide tertiary treatment system in compliance to the Schedule-I (A) of CTO dated 04/11/2022 i.e. Terms & conditions for compliance of Water Pollution Control.

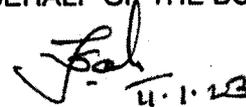
AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities).

1) Why further stringent legal action shall not be initiated against your unit?

You are directed to file your reply to these directions if any, within seven days from the receipt of this notice, failing which Board shall consider issuance of appropriate further directions as may be deemed fit in your case, which may please be noted.

FOR AND ON BEHALF OF THE BOARD



(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur

Copy submitted for information.

- 1) Member Secretary, M.P.C. B, Mumbai.
- 2) Joint Director (Water Pollution Control) Mumbai.

Copy to:

Sub-Regional Officer, M. P. C. Board, Sangali.

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly within stipulated period.



Item No.6

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.69/2022(WZ)Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh
.....Applicant

Versus

State of Maharashtra & Ors.
....Respondent(s)

Date of hearing: 29.08.2023

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

Applicant : Mr. Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Envt. Deptt. &
R-2/CPCB
Mr. Vilas Jadhav, Advocate for R-4 & 5/MPCB
Ms. Supriya Dangare, Advocate for R-7/SMKMC
Mr. Dattatray Devale, Advocate for R-8 & 16
Mr. Saurabh Kulkarni, Advocate for R-9 to 15
Mr. Aditya Desai, Advocate for R-18 & 19
Mr. Abhineet Pange, Advocate for R-19/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who submits that he needs some time to be allowed to file rejoinder affidavit against the reply affidavit filed from the side of respondent Nos.10, 11, 13 & 15, which has been received by him yesterday only, for which we allow two weeks' time to file the same.

2. From the side of respondent No.1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for respondent No.2/Central Pollution Control Board (CPCB), learned Counsel Mr. Aniruddha S. Kulkarni has appeared, who apprised us that he has already filed reply affidavit on

behalf of Respondent No.2/CPCB and does not want to file reply affidavit on behalf of respondent No.1/MoEF&CC.

3. None has appeared from the side of respondent No.3/the Collector, Sangli, respondent No.6/Department of Fisheries despite sufficient service.
4. From the side of Respondent Nos.4 & 5/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit as well as Joint Committee Report have already been filed.
5. From the side of respondent No.7/Sangli Miraj Kupwad Municipal Corporation, learned Counsel Ms. Supriya Dangare has appeared, who apprised us that reply affidavit has already been filed.
6. From the side of respondent No.8/Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and for respondent No.16-M/s. Yashwantrao Mohite Krishna SSK Ltd. (Distillery unit), learned Counsel Mr. Dattatray Devale has appeared, who apprised that reply affidavit has been filed from the side of respondent No.8 and the same may be treated to have been filed from the side of respondent No.16 as well. He further submits that in addition to the reply affidavit filed earlier, today he has filed additional reply affidavit on behalf of these respondents and a copy of the same is said to have been served upon all the other parties.
7. From the side of respondent Nos.9 to 15/Project Proponents, learned Counsel Mr. Saurabh Kulkarni has appeared, who submits that he has filed reply affidavits on behalf of respondent Nos.10, 11, 13 & 15 and he does not want to file reply affidavits from the side of respondent Nos.9, 12 & 14 because no relief is sought against them.

8. We find from record that the Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishan, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the said affidavit within a period two weeks. We further direct that a copy of the said affidavit shall also be served upon all other parties, who may file objections against the same, if any, within a period of one week thereafter.

Put up this matter for final hearing on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 29, 2023
Original Application No.69/2022(WZ)
P.Kr

Report on Environmental Compensation to be levied on M/s Rajarambapu Patil SSK Ltd., (Distillery unit), Rajaramnagar Sakhrale, Tal: Walwa, Dist: Sangli, Maharashtra, in compliance with order dated 29/08/2023 of Hon'ble National Green Tribunal in the matter of Original Application No. 69/2022 (WZ).

1. Background

In the matter of Original Application No. 69/2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to biodiversity on account of the said untreated effluent being discharged into the said river & in compliance of the order of the Hon'ble National Green tribunal (WZ) vide dated 24/08/2022, the Joint Committee has visited & inspected the industry on 30/09/2022 & submitted the joint committee report to Hon'ble National Green Tribunal.

Considering the above non-compliances, MPCB has issued the Direction under section 33A of the Water (Prevention & Control Of Pollution) Act, 1974 to the unit on 11/01/2023. A Copy of the direction dated 11/01/2023 is enclosed at **Annexure-I**.

The Hon'ble Tribunal directed vide order dated 29/08/2023 in the aforesaid matter that Maharashtra Pollution Control Board shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishna, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industries and accordingly, environmental compensation to be levied from them should also be calculated by them. Copy of the said order dated 29/08/2023 is enclosed at **Annexure-II**.

This report is about the calculation of environmental compensation applicable on the said unit in compliance of the aforesaid order dated 29/08/2023 of the Hon'ble Tribunal.

2. Environmental Compensation

Environmental Compensation for Discharges in violation of consent conditions, mainly prescribed standards / consent limits. Accidental discharges lasting for short durations resulting into damage to the environment. Intentional discharges to the environment i.e. land, water and air resulting in acute injury or damage to the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit for illegal untreated effluent discharge and without any treatment into the environment.

Considering that the unit were discharging effluent in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and also not imparting any treatment to the effluent, the following formula, as referred in the aforesaid report of the CPCB In-house Committee, may be used for levying Environmental Compensation on the unit taking case (a) among the various cases of the said report:

Environmental Compensation (EC) in Rupees= PI x N x R x S x LF

Where,

The unit is under Red Category No. R-60 as per Modified Directions of CPCB dated 07/03/2016, Annexure-IV.

PI = Pollution index of industrial sectors.

The unit falls under Red category, hence PI = 80

N = Number of days violation took place.

N = 247 days. (From Crushing Season 2022-2023)

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250 as the Environmental Compensation in cases of violation. Hence, R = 250

S = Factor for the scale of operation.

The unit being Large Scale unit, S=1.5

LF = Location factor.

LF is presumed as 1 for city/town having population less than one million. LF = 1.0

Therefore, Environmental Compensation (EC) in Rupees.

= 80 x 247 x 250 x 1.5 x 1.0

= Rs. 74, 10,000/- (Rs. Seventy Four Lakh Ten Thousand Only)



3. Environmental Compensation for extraction of ground water:

As industry utilizes the water from Krishna River water supply, hence environmental compensation for extracting ground water may not be applicable to the unit.

4. Conclusions

(i) The environmental compensation applicable on the unit is:

Environmental Compensation for violation of consent conditions & discharge of effluent into the environment is Rs. 74, 10,000/- (Seventy Four Lakh Ten Thousand Only)

(ii) Environmental compensation for extracting ground water may not be applicable to the unit.

Total environmental compensation applicable on the unit is Rs. 74, 10,000/- (Rs. Seventy Four Lakh Ten Thousand Only)



(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur.

MAHARASHTRA POLLUTION CONTROL BOARD

REGIONAL OFFICE, KOLHAPUR.

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Website: <http://mpcb.mah.nic.in>

25

No. MPCB/RO/KOP/PDI 2301110011

Date: 11/01/2023

To,
M/s. Rajarambapu Patil Sahakari Sakhar Karakhana Ltd. (Distillery)
Rajaramnagar, Post - Sakharale
Tal. Walwa, Dist. Sangli

Sub: Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M, H & T) Rules, 2008 as amended.

- Ref: 1. Hon'ble National Green Tribunal dated 24/08/2022 in the Original Application No. 69 of 2022 (WZ),
2. Visit of Board Officials along with committee members dated 30.11.2022
3. Online proposal submitted by SRO Sangli.

.....
WHEREAS, you are operating your unit in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, the joint committee visited your unit on 30/11/2022 submitted the report to Hon'ble NGT, and observed following non compliances.

1. You have failed to operate the distillery plant so that the generated spent wash shall be 100% utilized by the industry before starting the rainy season and shall treat remaining spent wash through bio-digester followed by concentration in MEE. Resultant concentrated effluent shall be utilized in subsequent preparation of bio-compost along with press mud.
2. You have failed to De-sludge the accumulated sludge & also not proportionated the dried sludge with press mud for preparation of bio-compost. You shall verify the same by examining the feasibility through any reputed Govt. institute/Govt. Engineering College & submit the report for the same.
3. You have failed to ensure that concentrated spent wash generated shall be completely utilized in preparation of bio-compost during non-monsoon season.
4. You have failed to submit a time bound action plan to scrap and level all the cluster of old unlined spent wash storage lagoons.
5. You have failed to Provide CPU for reuse/recycle of treated effluent as per the consent conditions dated 10/10/2021.
6. You have failed to treat Spent wash contaminated water from cluster of old unlined spent wash storage lagoons About 4,01,427 sq.m (about 99 acres) of land within the industry premises found filled with raw/partially treated spent wash/spent

7. Soil samples taken from 10 cm depth near the cluster of old unlined spent wash storage lagoons have higher concentration of pH, salinity, organic carbon, phosphorous and potassium. No study has been conducted to assess impact on soil and ground water due to high concentration as (vi) above and remedial measures required thereof.
8. You have failed to carrying-out detailed studies and take time-bound action plan to contain further impact, if any.

AND WHEREAS, after considering the above non compliances, the joint committee, therefore, recommended a detailed study through reputed institutes like College of Engineering, Pune/ Mahatma Phule Krishi Vidyapeeth, Pune/major Govt. Engineering Colleges to prepare Detailed Project Report (DPR) which may include following immediate measures:

- A. Delineation of impacted area due to disposal of spent wash.
- B. Detailed soil and ground water characteristics analysis/investigation with assessment of soil and ground water qualities in the aforesaid affected areas and depth levels to which the same are affected.
- C. Scrapping and reclaiming of all unlined spent wash storage lagoons (solar evaporation pits) should be remediated.
- D. In case remediation is required, details of required remediation treatment such as in-situ treatment (bio-remediation/phytoremediation/air purging etc. or off-site treatment (soil excavation and management of excavated soil) along with engineering details & time period and cost thereof with expected target quality/goals in terms of various parameters of concern.

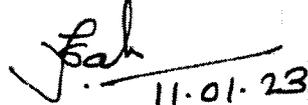
AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities).

- I) Why further legal action shall not be initiated against your unit?

You are directed to file your reply to these directions if any, within seven days from the receipt of this notice, failing which Board shall consider issuance of appropriate further directions as may be deemed fit in your case, which may please be noted.

FOR AND ON BEHALF OF THE BOARD


11.01.23

(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur

Copy submitted for information.

- 1) Member Secretary, M.P.C. B, Mumbai.
- 2) Joint Director (Water Pollution Control) Mumbai.

Copy to:

Sub-Regional Officer, M. P. C. Board, Sangli.

- He is directed to serve the directions to the above industry and submit the compliance

Item No.6

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.69/2022(WZ)

Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh

.....Applicant

Versus

State of Maharashtra & Ors.

....Respondent(s)

Date of hearing: 29.08.2023

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

Applicant : Mr. Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Env't. Deptt. &
R-2/CPCB
Mr. Vilas Jadhav, Advocate for R-4 & 5/MPCB
Ms. Supriya Dangare, Advocate for R-7/SMKMC
Mr. Dattatray Devale, Advocate for R-8 & 16
Mr. Saurabh Kulkarni, Advocate for R-9 to 15
Mr. Aditya Desai, Advocate for R-18 & 19
Mr. Abhineet Pange, Advocate for R-19/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who submits that he needs some time to be allowed to file rejoinder affidavit against the reply affidavit filed from the side of respondent Nos.10, 11, 13 & 15, which has been received by him yesterday only, for which we allow two weeks' time to file the same.

2. From the side of respondent No.1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for respondent No.2/Central Pollution Control Board (CPCB), learned Counsel Mr. Aniruddha S. Kulkarni has appeared, who apprised us that he has already filed reply affidavit on



behalf of Respondent No.2/CPCB and does not want to file reply affidavit on behalf of respondent No.1/MoEF&CC.

3. None has appeared from the side of respondent No.3/the Collector, Sangli, respondent No.6/Department of Fisheries despite sufficient service.
4. From the side of Respondent Nos.4 & 5/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit as well as Joint Committee Report have already been filed.
5. From the side of respondent No.7/Sangli Miraj Kupwad Municipal Corporation, learned Counsel Ms. Supriya Dangare has appeared, who apprised us that reply affidavit has already been filed.
6. From the side of respondent No.8/Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and for respondent No.16-M/s. Yashwantrao Mohite Krishna SSK Ltd. (Distillery unit), learned Counsel Mr. Dattatray Devale has appeared, who apprised that reply affidavit has been filed from the side of respondent No.8 and the same may be treated to have been filed from the side of respondent No.16 as well. He further submits that in addition to the reply affidavit filed earlier, today he has filed additional reply affidavit on behalf of these respondents and a copy of the same is said to have been served upon all the other parties.
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8. We find from record that the Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishan, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the said affidavit within a period two weeks. We further direct that a copy of the said affidavit shall also be served upon all other parties, who may file objections against the same, if any, within a period of one week thereafter.

Put up this matter for final hearing on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 29, 2023
Original Application No.69/2022(WZ)
P.Kr

Report on Environmental Compensation to be levied on M/s Rajarambapu Patil SSK Ltd., (Sugar unit), Rajaramnagar Sakhrale, Tal: Walwa, Dist: Sangli, Maharashtra, in compliance with order dated 29/08/2023 of Hon'ble National Green Tribunal in the matter of Original Application No. 69/2022 (WZ).

1. Background

In the matter of Original Application No. 69/2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to biodiversity on account of the said untreated effluent being discharged into the said river & in compliance of the order of the Hon'ble National Green tribunal (WZ) vide dated 24/08/2022, the Joint Committee has visited & inspected the industry on 30/09/2022 & submitted the joint committee report to Hon'ble National Green Tribunal.

Considering the above non-compliances, MPCB has issued the Direction under section 33A of the Water (Prevention & Control Of Pollution) Act, 1974 to the unit on 11/01/2023. A Copy of the direction dated 11/01/2023 is enclosed at **Annexure-I**.

The Hon'ble Tribunal directed vide order dated 29/08/2023 in the aforesaid matter that Maharashtra Pollution Control Board shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishna, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industries and accordingly, environmental compensation to be levied from them should also be calculated by them. Copy of the said order dated 29/08/2023 is enclosed at **Annexure-II**.

This report is about the calculation of environmental compensation applicable on the said unit in compliance of the aforesaid order dated 29/08/2023 of the Hon'ble Tribunal.

2. Environmental Compensation

Environmental Compensation for Discharges in violation of consent conditions, mainly prescribed standards / consent limits. Accidental discharges lasting for short durations resulting into damage to the environment. Intentional discharges to the environment i.e. land, water and air resulting in acute injury or damage to the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit for illegal untreated effluent discharge and without any treatment into the environment.

Considering that the unit were discharging effluent in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and also not imparting any treatment to the effluent, the following formula, as referred in the aforesaid report of the CPCB In-house Committee, may be used for levying Environmental Compensation on the unit taking case (a) among the various cases of the said report:

Environmental Compensation (EC) in Rupees = $PI \times N \times R \times S \times LF$

Where,

The unit is under Red Category No. R-12 as per Modified Directions of CPCB dated 07/03/2016, Annexure-IV.

PI = Pollution index of industrial sectors.

The unit falls under Red category, hence **PI = 80**

N = Number of days violation took place.

N = 135 days. (Crushing Season 2022-2023)

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250 as the Environmental Compensation in cases of violation. Hence, **R = 250**

S = Factor for the scale of operation.

The unit being Large Scale unit, **L=1.5**

LF = Location factor.

LF is presumed as 1 for city/town having population less than one million. **LF = 1.0**

Therefore, Environmental Compensation (EC) in Rupees.

= $80 \times 135 \times 250 \times 1.5 \times 1.0$

= Rs. 40, 50,000/- (Rs. Forty Lakhs Fifty Thousand Only)



3. Environmental Compensation for extraction of ground water:

As industry utilizes the water from Krishna River water supply, hence environmental compensation for extracting ground water may not be applicable to the unit.

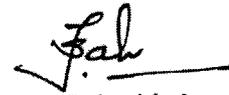
4. Conclusions

- (i) The environmental compensation applicable on the unit is:

Environmental Compensation for violation of consent conditions & discharge of effluent into the environment is Rs. 40, 50,000/- (Rs. Forty Lakhs Fifty Thousand Only)

- (ii) Environmental compensation for extracting ground water may not be applicable to the unit.

Total environmental compensation applicable on the unit is Rs. 40,50,000/- (Forty Lakhs Fifty Thousand Only)



(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur.

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

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Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/PDI 2301110010

Date: 11/01/2023

To,
M/s. Rajarambapu Patil Sahakari Sakhar Karakhana Ltd. Sugar (Unit 1)
Rajaramnagar, Post - Sakharale
Tal. Walwa, Dist. Sangli-416313

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M, H & T) Rules, 2008 as amended.

Ref: 1. Hon'ble National Green Tribunal dated 24/08/2022 in the Original Application No. 69 of 2022
2. Visit of Board Officials along with Committee Member on 30.11.2022.
3. Proposal submitted by SRO, Sangli.

WHEREAS, you are operating your unit in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, The joint committee has visited your unit on 30/11/2022 submitted the report to Hon'ble NGT, and observed following non compliances.

1. You have failed to achieve the MPCB prescribed discharge standards. & also fail to carry-out adequacy assessment report of the existing ETP through a reputed Govt. institute/Govt. Engineering College and accordingly augment the ETP so as to achieve the MPCB prescribed discharge standards.
2. You have failed to Provide tertiary treatment system in compliance to the Schedule-I (A) of CTO dated 20/10/2021 i.e. Terms & conditions for compliance of Water Pollution Control.
3. You have failed to Provide 15 days treated effluent storage tank (lined tank) to take care during no demand for irrigation as per CREP condition mentioned in the CTO i.e. in compliance to the Schedule-I (G) of CTO dated 20/10/2021 i.e. Terms & conditions for compliance of Water Pollution Control.

AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

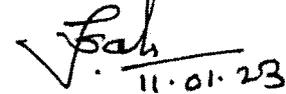
[Signature]

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities).

1) Why further stringent legal action shall not be initiated against your unit?

You are directed to file your reply to these directions if any, within seven days from the receipt of this notice, failing which Board shall consider issuance of appropriate further directions as may be deemed fit in your case, which may please be noted.

FOR AND ON BEHALF OF THE BOARD


11.01.23

(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur

Copy submitted for information.

- 1) Member Secretary, M.P.C. B, Mumbai.
- 2) Joint Director (Water Pollution Control) Mumbai.

Copy to:

Sub-Regional Officer, M. P. C. Board, Sangli.

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly within stipulated period.



Item No.6

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**
THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.69/2022(WZ)

Sunil Pharate, Sangli District Head of Swatantra Bharat PakshApplicant

Versus

State of Maharashtra & Ors.Respondent(s)

Date of hearing: 29.08.2023

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

Applicant : Mr. Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Envt. Deptt. &
R-2/CPCB
Mr. Vilas Jadhav, Advocate for R-4 & 5/MPCB
Ms. Supriya Dangare, Advocate for R-7/SMKMC
Mr. Dattatray Devale, Advocate for R-8 & 16
Mr. Saurabh Kulkarni, Advocate for R-9 to 15
Mr. Aditya Desai, Advocate for R-18 & 19
Mr. Abhineet Pange, Advocate for R-19/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who submits that he needs some time to be allowed to file rejoinder affidavit against the reply affidavit filed from the side of respondent Nos.10, 11, 13 & 15, which has been received by him yesterday only, for which we allow two weeks' time to file the same.

2. From the side of respondent No.1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for respondent No.2/Central Pollution Control Board (CPCB), learned Counsel Mr. Aniruddha S. Kulkarni has appeared, who apprised us that he has already filed reply affidavit on

behalf of Respondent No.2/CPCB and does not want to file reply affidavit on behalf of respondent No.1/MoEF&CC.

3. None has appeared from the side of respondent No.3/the Collector, Sangli, respondent No.6/Department of Fisheries despite sufficient service.

4. From the side of Respondent Nos.4 & 5/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit as well as Joint Committee Report have already been filed.

5. From the side of respondent No.7/Sangli Miraj Kupwad Municipal Corporation, learned Counsel Ms. Supriya Dangare has appeared, who apprised us that reply affidavit has already been filed.

6. From the side of respondent No.8/Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and for respondent No.16-M/s. Yashwantrao Mohite Krishna SSK Ltd. (Distillery unit), learned Counsel Mr. Dattatray Devale has appeared, who apprised that reply affidavit has been filed from the side of respondent No.8 and the same may be treated to have been filed from the side of respondent No.16 as well. He further submits that in addition to the reply affidavit filed earlier, today he has filed additional reply affidavit on behalf of these respondents and a copy of the same is said to have been served upon all the other parties.

7. From the side of respondent Nos.9 to 15/Project Proponents, learned Counsel Mr. Saurabh Kulkarni has appeared, who submits that he has filed reply affidavits on behalf of respondent Nos.10, 11, 13 & 15 and he does not want to file reply affidavits from the side of respondent Nos.9, 12 & 14 because no relief is sought against them.

8. We find from record that the Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishan, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the said affidavit within a period two weeks. We further direct that a copy of the said affidavit shall also be served upon all other parties, who may file objections against the same, if any, within a period of one week thereafter.

Put up this matter for final hearing on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 29, 2023
Original Application No.69/2022(WZ)
P.Kr

Report on Environmental Compensation to be levied on M/s. **Yashwantrao Mohite Krishna SSK Ltd., (Distillery unit), A/P Shivnagar, Tal: Karad, Dist: Sangli, Satara.** Maharashtra, in compliance with order dated 29/08/2023 of Hon'ble National Green Tribunal in the matter of Original Application No. 69/2022 (WZ) and Original Application No. 114/2023 (WZ)

1. Background

In the matter of Original Application No. 69/2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to biodiversity on account of the said untreated effluent being discharged into the said river & in compliance of the order of the Hon'ble National Green tribunal (WZ) vide dated 24/08/2022, the Joint Committee has visited & inspected the industry on 30/09/2022 & submitted the joint committee report to Hon'ble National Green Tribunal.

Considering the above non-compliances, MPCB issued the Interim Direction to the unit on 19/01/2023. A Copy of the direction dated 19/01/2023 is enclosed at **Annexure-I.**

The Hon'ble Tribunal vide order dated 29/08/2023 directed in the aforesaid matter that Maharashtra Pollution Control Board shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishna, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industries and accordingly, environmental compensation to be levied from them should also be calculated by them. Copy of the said order dated 29/08/2023 is enclosed at **Annexure-II.**

Further, applicant also filled another Original Application No. 114/2023 (WZ) titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd & Ors. In the order dtd. 01/09/2023 Hon'ble National Green tribunal (WZ) directed to Tagged O.A. 114/2023 (WZ) with O.A. 69/2022 (WZ) **Annexure-III**

This report is about the calculation of environmental compensation applicable on the said unit in compliance of the aforesaid order dated 29/08/2023 of the Hon'ble Tribunal.

2. Environmental Compensation

Environmental Compensation for Discharges in violation of consent conditions, mainly prescribed standards / consent limits. Accidental discharges lasting for short durations resulting into damage to the environment. Intentional discharges to the environment i.e. land, water and air resulting in acute injury or damage to the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit for illegal untreated effluent discharge and without any treatment into the environment.

Considering that the unit were discharging effluent in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and also not imparting any treatment to the effluent, the following formula, as referred in the aforesaid report of the CPCB In-house Committee, may be used for levying Environmental Compensation on the unit taking case (a) among the various cases of the said report:

Environmental Compensation (EC) in Rupees = $PI \times N \times R \times S \times LF$

Where,

The unit is under Red Category No. R-60 as per Modified Directions of CPCB dated 07/03/2016, Annexure-IV.

PI = Pollution index of industrial sectors

The unit falls under Red category, hence **PI = 80**

N = Number of days violation took place

N = 388 days. (From 13/07/2022 (First Discharge Observed) to 5/8/2023 (Discharged observed))

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250 as the Environmental Compensation in cases of violation. Hence, **R = 250**

S = Factor for the scale of operation

The unit being small or micro unit, **S=1.5**

LF = Location factor

Since the population of Nearby Villages and Sangli Miraj Kupwad

corporation is less than one Million, LF = 1.0

Therefore, Environmental Compensation (EC) in Rupees

$$= 80 \times 388 \times 250 \times 1.5 \times 1.0$$

= Rs. 1,16,40,000/- (Rs. One crore sixteen lakhs forty thousand Only)

3. Environmental Compensation for extraction of ground water:

As industry utilizes the water from Krishna River water supply, hence environmental compensation for extracting ground water may not be applicable to the unit.

4. Conclusions

(i) The environmental compensation applicable on the unit is:

Environmental Compensation for violation of consent conditions & discharge of effluent into the environment is Rs. 1,16,40,000/- (Rs. One crore sixteen lakhs forty thousand Only)

(ii) Environmental compensation for extracting ground water may not be applicable to the unit.

Total environmental compensation applicable on the unit is Rs. 1,16,40,000/- (Rs. One crore sixteen lakhs forty thousand Only)


(R. Andhale)
Regional Officer,
M.P.C. Board, Pune.

230123 - F15 - 0060 /
474
MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE

ANNEXURE-I.

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

211

ROP/ MPCB/ID/ 2301190012

Date: 19/01/2023

To,
M/s. Yashwantrao Mohite Krishna SSK Ltd.,
Rethare (Bk), Tal. Karad, Dist. Satara

Sub: Interim Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Wastes (M & TM) Rules, 2016.

Ref: 1) Legal Action Proposal Submitted by Sub Regional Officer Satara vide MPCB-LEGAL-ACTIONS-180722003.
2) Proposed directions issued vide no. MPCB/PD/2207220004, Dtd. 22/7/2022
3) Personal hearing extended on 28/7/2022

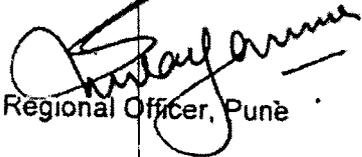
This refers proposed directions vide reference (2) above and subsequent personal hearing extended on 28/7/2022.

Considering your reply and technical submissions during the hearing and sub regional officer Satara report, you are hereby directed to comply with the following Interim Directions,

- 1) You shall not discharge liche / effluent into the nearby Nalla/ River.
- 2) You shall clean compost yard with leachet carrying system and ensure that, it should flow due to rain water.
- 3) You shall store compost yard in the shed area to avoid sepagges.
- 4) You shall submit the compliance report within 15 days for above directions.
- 5) From existing Bank Guarantee the amount of Rs. 1,50,000/- (One Lakhs Fifty Thousand Only) will be forfeited towards the exceeding results of JVS collected on 14th July,2022 with respect to BOD and COD and non-compliance mentioned in proposed directions.

You shall submit all above necessary documents and action taken report on above directions within 07 days. In case you fail to comply with the above directions the Board will have no option than to issue appropriate directions as deem fit under the provisions of Water (P. & C. P.) Act, 1974 and under the provisions of Air (P. & C. P.) Act, 1981 & Hazardous & Other Waste (M & TM) Rules, 2016, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board


Regional Officer, Pune

Copy submitted to:-

1. Joint Director (WPC), MPCB, Mumbai
2. Law Officer, MPCB, Mumbai.

Copy to :- The Sub-Regional Officer, M.P.C.Board,Satara :- Keep follow up and submit compliance report.

Item No.2

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.114/2023(WZ)

Mr. Sunil Pharate, Sangali Dist. Head Swatantra Bharat Paksh

.....Applicant

*Versus*Yashwantrao Mohite Krishna Sahakari
Sakhar Karkhana Ltd & Ors.

....Respondent(s)

Date of hearing: 01.09.2023

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

Applicant : Mr. Omkar Wangikar, Advocate

ORDER

1. This application has been filed with the prayer that respondent Nos.5 & 6/MPCB be directed to close down the unit of respondent No.1, which is a sugar factory by the name M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. because the applicant had observed that on 04.08.2023 and 05.08.2023 at Village: Kole, Walve Taluka, Sangli District, the untreated effluent was directly flown from the unit of respondent No.1 into Kole Odha (Nalla), which further meets the river Krishna, resulting in its pollution.

2. The learned Counsel for applicant has also referred to an earlier Original Application i.e. Original Application No.69/2022(WZ), in which a similar incidence was reported to have happened, where-in respondent No.1 along-with other factories were alleged to have discharged untreated industrial waste water directly into the river Krishna, which resulted in lack of fishes having been found there. It is also stated that the

Committee was constituted in that Original Application by this Tribunal, which has submitted its report on 13.11.2022.

3. At this stage, we enquired from the learned Counsel for applicant, as to why the 2nd Original Application is required to be filed? In this regard, the learned Counsel submits that despite the earlier Original Application being pending, the MPCB has proceeded for renewal of the 'Consent to Operate of respondent No.1 and that this is a fresh cause of action, though the learned Counsel submits that it would be appropriate that the present Original Application may be tagged along-with the Original Application No.69/2022(WZ).
4. We admit this application and direct the Registry to tag the present Original Application along-with Original Application No.69/2022(WZ).
5. We further direct the Registry to issue Notice to the respondents, returnable within 04(four) weeks.
6. Applicant is directed to take necessary steps for service to the 'respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.
7. Applicant is also directed to provide copy of the application and relevant documents to the respondents within a week.
8. Respondents are directed to submit their reply affidavit within three weeks and also circulate the same to applicant as also other respondents by available e-mail.
9. Rejoinder, if any, is directed to be submitted within one week thereafter.

477

44

Put up this matter on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 01, 2023
Original Application No.114/2023(WZ)
P.Kr

Item No.6

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.69/2022(WZ)Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh
.....Applicant

Versus

State of Maharashtra & Ors.
....Respondent(s)

Date of hearing: 29.08.2023

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

Applicant : Mr. Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Envt. Deptt. &
R-2/CPCB
Mr. Vilas Jadhav, Advocate for R-4 & 5/MPCB
Ms. Supriya Dangare, Advocate for R-7/SMKMC
Mr. Dattatray Devale, Advocate for R-8 & 16
Mr. Saurabh Kulkarni, Advocate for R-9 to 15
Mr. Aditya Desai, Advocate for R-18 & 19
Mr. Abhineet Pange, Advocate for R-19/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who submits that he needs some time to be allowed to file rejoinder affidavit against the reply affidavit filed from the side of respondent Nos.10, 11, 13 & 15, which has been received by him yesterday only, for which we allow two weeks' time to file the same.

2. From the side of respondent No.1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for respondent No.2/Central Pollution Control Board (CPCB), learned Counsel Mr. Aniruddha S. Kulkarni has appeared, who apprised us that he has already filed reply affidavit on



- behalf of Respondent No.2/CPCB and does not want to file reply affidavit on behalf of respondent No.1/MoEF&CC.
3. None has appeared from the side of respondent No.3/the Collector, Sangli, respondent No.6/Department of Fisheries despite sufficient service.
 4. From the side of Respondent Nos.4 & 5/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit as well as Joint Committee Report have already been filed.
 5. From the side of respondent No.7/Sangli Miraj Kupwad Municipal Corporation, learned Counsel Ms. Supriya Dangare has appeared, who apprised us that reply affidavit has already been filed.
 6. From the side of respondent No.8/Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and for respondent No.16-M/s. Yashwantrao Mohite Krishna SSK Ltd. (Distillery unit), learned Counsel Mr. Dattatray Devale has appeared, who apprised that reply affidavit has been filed from the side of respondent No.8 and the same may be treated to have been filed from the side of respondent No.16 as well. He further submits that in addition to the reply affidavit filed earlier, today he has filed additional reply affidavit on behalf of these respondents and a copy of the same is said to have been served upon all the other parties.
 7. From the side of respondent Nos.9 to 15/Project Proponents, learned Counsel Mr. Saurabh Kulkarni has appeared, who submits that he has filed reply affidavits on behalf of respondent Nos.10, 11, 13 & 15 and he does not want to file reply affidavits from the side of respondent Nos.9, 12 & 14 because no relief is sought against them.

8. We find from record that the Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishan, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the said affidavit within a period two weeks. We further direct that a copy of the said affidavit shall also be served upon all other parties, who may file objections against the same, if any, within a period of one week thereafter.

Put up this matter for final hearing on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 29, 2023
Original Application No.69/2022(WZ)
P.Kr

Report on Environmental Compensation to be levied on M/s. **Yashwantrao Mohite Krishna SSK Ltd., (Sugar unit), A/P Shivnagar, Tal: Karad, Dist: Sangli, Satara.** Maharashtra, in compliance with order dated 29/08/2023 of Hon'ble National Green Tribunal in the matter of Original Application No. 69/2022 (WZ) and Original Application No. 114/2023 (WZ)

1. Background

In the matter of Original Application No. 69/2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to biodiversity on account of the said untreated effluent being discharged into the said river & in compliance of the order of the Hon'ble National Green tribunal (WZ) vide dated 24/08/2022, the Joint Committee has visited & inspected the industry on 30/09/2022 & submitted the joint committee report to Hon'ble National Green Tribunal.

Considering the above non-compliances, MPCB issued the Interim Direction to the unit on 19/01/2023. A Copy of the direction dated 19/01/2023 is enclosed at **Annexure-I.**

The Hon'ble Tribunal vide order dated 29/08/2023 directed in the aforesaid matter that Maharashtra Pollution Control Board shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishna, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industries and accordingly, environmental compensation to be levied from them should also be calculated by them. Copy of the said order dated 29/08/2023 is enclosed at **Annexure-II.**

Further, applicant also filled another Original Application No. 114/2023 (WZ) titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd & Ors. In the order dtd. 01/09/2023 Hon'ble National Green tribunal (WZ) directed to Tagged O.A. 114/2023 (WZ) with O.A. 69/2022 (WZ) **Annexure-III**

This report is about the calculation of environmental compensation applicable on the said unit in compliance of the aforesaid order dated 29/08/2023 of the Hon'ble Tribunal.

2. Environmental Compensation

Environmental Compensation for Discharges in violation of consent conditions, mainly prescribed standards / consent limits. Accidental discharges lasting for short durations resulting into damage to the environment. Intentional discharges to the environment i.e. land, water and air resulting in acute injury or damage to the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/8/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., may be used to calculate Environmental Compensation on the unit for illegal untreated effluent discharge and without any treatment into the environment.

Considering that the unit were discharging effluent in violation of provisions of the Water (Prevention & Control of Pollution) Act, 1974 and also not imparting any treatment to the effluent, the following formula, as referred in the aforesaid report of the CPCB In-house Committee, may be used for levying Environmental Compensation on the unit taking case (a) among the various cases of the said report:

Environmental Compensation (EC) in Rupees = PI x N x R x S x LF

Where,

The unit is under Red Category No. R-12 as per Modified Directions of CPCB dated 07/03/2016, Annexure-IV.

PI = Pollution index of industrial sectors

The unit falls under Red category, hence **PI = 80**

N = Number of days violation took place

N = 388 days. (From 13/07/2022 (First Discharge Observed) to 5/8/2023 (Discharged observed))

R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. The aforesaid report also suggests considering R as 250 as the Environmental Compensation in cases of violation. Hence, **R = 250**

S = Factor for the scale of operation

The unit being small or micro unit, **S=1.5**

LF = Location factor

Since the population of Nearby Villages and Sangli Miraj Kupwad

corporation is less than one Million, LF = 1.0

Therefore, Environmental Compensation (EC) in Rupees
= 80 x 388 x 250 x 1.5 x 1.0
= Rs. 1,16,40,000/- (Rs. One crore sixteen lakhs forty thousand
Only)

3. Environmental Compensation for extraction of ground water:

As industry utilizes the water from Krishna River water supply, hence environmental compensation for extracting ground water may not be applicable to the unit.

4. Conclusions

(i) The environmental compensation applicable on the unit is:

Environmental Compensation for violation of consent conditions & discharge of effluent into the environment is Rs. 1,16,40,000/- (Rs. One crore sixteen lakhs forty thousand Only)

(ii) Environmental compensation for extracting ground water may not be applicable to the unit.

**Total environmental compensation applicable on the unit is Rs. 1,16,40,000/-
(Rs. One crore sixteen lakhs forty thousand Only)**


(R. Andhale)
Regional Officer,
M.P.C. Board, Pune.

230123 - FTS - 0066 / 484

ANNEXURE-I.

51

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

ROP/ MPCB/ID/ 2301190012

Date: 19/01/2023

To,
M/s. Yashwantrao Mohite Krishna SSK Ltd.,
Rethare (Bk), Tal. Karad, Dist. Satara

Sub: Interim Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Wastes (M & TM) Rules, 2016.

Ref: 1) Legal Action Proposal Submitted by Sub Regional Officer Satara vide MPCB-LEGAL-ACTIONS-180722003.
2) Proposed directions issued vide no. MPCB/PD/2207220004, Dtd. 22/7/2022
3) Personal hearing extended on 28/7/2022

This refers proposed directions vide reference (2) above and subsequent personal hearing extended on 28/7/2022.

Considering your reply and technical submissions during the hearing and sub regional officer Satara report, you are hereby directed to comply with the following Interim Directions,

- 1) You shall not discharge liche / effluent into the nearby Nalla/ River.
- 2) You shall clean compost yard with leachet carrying system and ensure that, it should flow due to rain water.
- 3) You shall store compost yard in the shed area to avoid sepagges.
- 4) You shall submit the compliance report within 15 days for above directions.
- 5) From existing Bank Guarantee the amount of Rs. 1,50,000/- (One Lakhs Fifty Thousand Only) will be forfeited towards the exceeding results of JVS collected on 14th July,2022 with respect to BOD and COD and non-compliance mentioned in proposed directions.

You shall submit all above necessary documents and action taken report on above directions within 07 days. In case you fail to comply with the above directions the Board will have no option than to issue appropriate directions as deem fit under the provisions of Water (P. & C. P.) Act, 1974 and under the provisions of Air (P. & C. P.) Act, 1981 & Hazardous & Other Waste (M & TM) Rules, 2016, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board

Regional Officer, Pune

Copy submitted to:-

1. Joint Director (WPC), MPCB, Mumbai
2. Law Officer, MPCB, Mumbai.

Copy to :- The Sub-Regional Officer, M.P.C.Board,Satara :- Keep follow up and submit compliance report.

Item No.6

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.69/2022(WZ)

Sunil Pharate, Sangli District Head of Swatantra Bharat PakshApplicant

Versus

State of Maharashtra & Ors.Respondent(s)

Date of hearing: 29.08.2023

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

Applicant : Mr. Omkar Wangikar, Advocate
Respondent(s) : Mr. Aniruddha S. Kulkarni, Advocate for R-1/Env't. Deptt. &
R-2/CPCB
Mr. Vilas Jadhav, Advocate for R-4 & 5/MPCB
Ms. Supriya Dangare, Advocate for R-7/SMKMC
Mr. Dattatray Devale, Advocate for R-8 & 16
Mr. Saurabh Kulkarni, Advocate for R-9 to 15
Mr. Aditya Desai, Advocate for R-18 & 19
Mr. Abhineet Pange, Advocate for R-19/IMC

ORDER

1. From the side of applicant, learned Counsel Mr. Omkar Wangikar has appeared, who submits that he needs some time to be allowed to file rejoinder affidavit against the reply affidavit filed from the side of respondent Nos.10, 11, 13 & 15, which has been received by him yesterday only, for which we allow two weeks' time to file the same.

2. From the side of respondent No.1/Ministry of Environment, Forest & Climate Change (MoEF&CC) and for respondent No.2/Central Pollution Control Board (CPCB), learned Counsel Mr. Aniruddha S. Kulkarni has appeared, who apprised us that he has already filed reply affidavit on

behalf of Respondent No.2/CPCB and does not want to file reply affidavit on behalf of respondent No.1/MoEF&CC.

3. None has appeared from the side of respondent No.3/the Collector, Sangli, respondent No.6/Department of Fisheries despite sufficient service.
4. From the side of Respondent Nos.4 & 5/Maharashtra Pollution Control Board (MPCB), learned Counsel Mr. Vilas Jadhav has appeared, who apprised us that reply affidavit as well as Joint Committee Report have already been filed.
5. From the side of respondent No.7/Sangli Miraj Kupwad Municipal Corporation, learned Counsel Ms. Supriya Dangare has appeared, who apprised us that reply affidavit has already been filed.
6. From the side of respondent No.8/Yaswantrao Mohite Sahakari Sakhar Karkhana Ltd. and for respondent No.16-M/s. Yashwantrao Mohite Krishna SSK Ltd. (Distillery unit), learned Counsel Mr. Dattatray Devale has appeared, who apprised that reply affidavit has been filed from the side of respondent No.8 and the same may be treated to have been filed from the side of respondent No.16 as well. He further submits that in addition to the reply affidavit filed earlier, today he has filed additional reply affidavit on behalf of these respondents and a copy of the same is said to have been served upon all the other parties.
7. From the side of respondent Nos.9 to 15/Project Proponents, learned Counsel Mr. Saurabh Kulkarni has appeared, who submits that he has filed reply affidavits on behalf of respondent Nos.10, 11, 13 & 15 and he does not want to file reply affidavits from the side of respondent Nos.9, 12 & 14 because no relief is sought against them.

8. We find from record that the Joint Committee Report was submitted as far back as on November 2022 and there is no computation made by it with respect to the environmental compensation to be levied from the industries, which are said to be responsible for fish killing as well as for letting the effluent run into the river Krishna, which is said to be the reason for fish kill. We want that the MPCB shall submit an additional affidavit mentioning therein clearly as to which of these industries regarding which the Joint Committee has found violation to be indulged in letting the effluent being flowed into river Krishan, which has resulted in pollution of the said river as well as killing of fish. The period of violation shall also be mentioned specifically against each of the industry and accordingly, environmental compensation to be levied from them should also be calculated by them and submit the said affidavit within a period two weeks. We further direct that a copy of the said affidavit shall also be served upon all other parties, who may file objections against the same, if any, within a period of one week thereafter.

Put up this matter for final hearing on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 29, 2023
Original Application No.69/2022(WZ)
P.Kr

Item No.2

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.114/2023(WZ)

Mr. Sunil Pharate, Sangali Dist. Head Swatantra Bharat Paksh

.....Applicant

*Versus*Yashwantrao Mohite Krishna Sahakari
Sakhar Karkhana Ltd & Ors.

....Respondent(s)

Date of hearing: 01.09.2023

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

Applicant : Mr. Omkar Wangikar, Advocate

ORDER

1. This application has been filed with the prayer that respondent Nos.5 & 6/MPCB be directed to close down the unit of respondent No.1, which is a sugar factory by the name M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. because the applicant had observed that on 04.08.2023 and 05.08.2023 at Village: Kole, Walve Taluka, Sangli District, the untreated effluent was directly flown from the unit of respondent No.1 into Kole Odha (Nalla), which further meets the river Krishna, resulting in its pollution.

2. The learned Counsel for applicant has also referred to an earlier Original Application i.e. Original Application No.69/2022(WZ), in which a similar incidence was reported to have happened, where-in respondent No.1 along-with other factories were alleged to have discharged untreated industrial waste water directly into the river Krishna, which resulted in lack of fishes having been found there. It is also stated that the

Committee was constituted in that Original Application by this Tribunal, which has submitted its report on 13.11.2022.

3. At this stage, we enquired from the learned Counsel for applicant, as to why the 2nd Original Application is required to be filed? In this regard, the learned Counsel submits that despite the earlier Original Application being pending, the MPCB has proceeded for renewal of the Consent to Operate of respondent No.1 and that this is a fresh cause of action, though the learned Counsel submits that it would be appropriate that the present Original Application may be tagged along-with the Original Application No.69/2022(WZ).
4. We admit this application and direct the Registry to tag the present Original Application along-with Original Application No.69/2022(WZ).
5. We further direct the Registry to issue Notice to the respondents, returnable within 04(four) weeks.
6. Applicant is directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.
7. Applicant is also directed to provide copy of the application and relevant documents to the respondents within a week.
8. Respondents are directed to submit their reply affidavit within three weeks and also circulate the same to applicant as also other respondents by available e-mail.
9. Rejoinder, if any, is directed to be submitted within one week thereafter.

Put up this matter on 29.11.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

September 01, 2023
Original Application No.114/2023(WZ)
P.Kr