

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
Appeal No. 5/2023 (WZ)

Sahakar Maharshi Shivajirao Narayanrao Nagawade
SSK Ltd.Applicant

v/s

Maharashtra Pollution Control Board & Ors. Respondents

Affidavit on behalf of Respondent-Maharashtra Pollution Control Board.

I, Chandrakant Shinde, Age : Adult, Occupation : Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Ahmednagar having my office at Savitribai Phule Vyapari Sankul, 1st Floor, Hall No.2 & 3, Near T.V. Centre, Savedi, Ahmednagar - 414 003, do hereby state on solemn affirmation as under :-

1. I have perused the papers and proceedings of the said Appeal. I am thus conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply on behalf of Respondent-Maharashtra Pollution Control Board (MPCB).
2. At the outset, the Appellant has raised the allegations that the impugned order dated 9/1/2023 imposing Environment Compensation of Rs.84,70,000/- passed by the Respondent-MPCB is violating the principal of natural justice and seeking directions to set aside the order dated 9/1/2023.



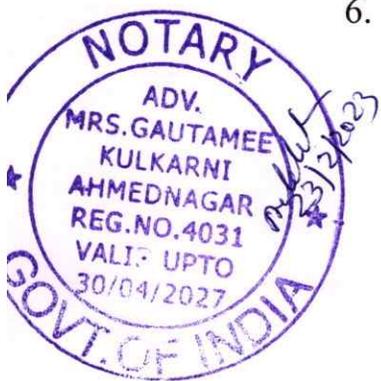
Chandrakant Shinde





3. I say and submit that on the basis of non-compliances observed during the visit to the Appellant-Industry on 2/2/2022, the Respondent-MPCB had issued directions of stoppage of operation of sugar unit vide letter 10/2/2022.
4. I say and submit that on the basis of complaint received from Shri Sachin Pachpute and for checking the compliance of the directions of stoppage of operation of sugar unit dated 10/2/2022, the officials of the Respondent-MPCB at Ahmednagar visited to the Appellant-Industry on 28/3/2022 and observed the various non-compliances. On the basis of the observations made during the visit and personal hearing extended to the Appellant-Industry on 28/7/2022, the Respondent-MPCB has issued Show Cause Notice for Closure to the Appellant-Industry on 29/9/2022.
5. I say and submit that the Respondent-MPCB has further issued interim directions to the Appellant-Industry vide letter dated 17/10/2022 and directed the Appellant-Industry to carry out the assessment of contamination, cost of remediation and damage assessment through NEERI / IIT / VSI within 2 months and ensure OCMS connectivity to MPCB server within 7 days and not to dispose spent wash sludge to any party.
6. I say and submit that one Sachin Pachpute has filed an Original Application bearing No.85/2022 against the Appellant-Industry regarding pollution caused due to discharge of untreated effluent into the Ghod River on 19/9/2022 before this Hon'ble Tribunal.

Sachin



7. I say and submit that in the above O.A., the Hon'ble NGT vide order dated 29/9/2022 constituted a Committee comprising of CPCB, MPCB & District Collector of the concerned District and directed the Committee to visit the Appellant-Industry and submit the Report. Accordingly, the said Committee has submitted its Report before this Hon'ble NGT on 30/10/2022, which was taken on record by this Hon'ble NGT. The Hon'ble NGT in its order dated 10/11/2022 stated that "*the assessment of damages is yet to be done as the same is pending, we find that prima-facie case pertaining to environment violation is made out in the present case.*"
8. I say and submit that in view of the continuous non-compliances, in compliance of the Order dated 10/11/2022 passed by this Hon'ble Tribunal in the above O.A., the Respondent Board has assessed the Environment Compensation of Rs.84,70,000/- to the Appellant-Industry vide directions dated 9/1/2023, for a period from 9/2/2022 i.e. the date of issuance of proposed directions up to the visit of MPCB officials on 17/11/2022 by following due procedure.
9. I say and submit that the Appellant-Industry appeared through their counsel before this Hon'ble Tribunal on 02-11-2022 and 10-11-2022. Therefore the Appellant-Industry had full knowledge and intimation, that Environment Compensation is being assessed against them by the Respondent Board.



10. I say and submit that the Respondent-MPCB has given sufficient time to comply with the directions issued by the Board from to time and conditions stipulated in the consent granted by the Respondent-MPCB as well as extended opportunity of personal hearing after issuance of directions to the Appellant-Industry. Therefore, the Appellant cannot alleged that the opportunity was not provided to them. Hence, the Respondent-MPCB submits that the Appeal may kindly be dismissed.

Solemnly affirmed on this^{23rd} day of February, 2023 at ...Ahmednagar

For and on behalf of Respondent
Maharashtra Pollution Control Board

Shinde

(Chandrakant Shinde)
Sub-Regional Officer-Ahmednagar

NOTED & REGISTERED'
AT S. No. GGK 315 / 2023

TOTAL PAGES- 09

BEFORE ME

Mukhi

MRS. GAUTAMEE G KULKARNI
NOTARY
GOVERNMENT OF INDIA

Solemnly affirmed before me'
by Chandrakant Shinde
who is identified before me
by Photo & D
whom I personally know

23 FEB 2023

