

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO 73 OF 2022**

Babasaheb Mahadev Patil .. Applicant
Vs

M/s Shikshan Maharshi Dnyandeo Mohekar Agro
Industries Ltd and Others .
..Respondents

Affidavit in compliance of the Hon'ble Tribunal order dated 30.8.2022

I, Parmeshwar vishwambhar Kamble, age about 37 years, occupation-service, as the sub Regional Officer, Maharashtra Pollution Control Board at Latur having my office at plot no. P10, Latur. Udyog samahuh Bulding Near Lokmat Office MIDC Latur. tq & Dist Latur. I am filing this affidavit on behalf of the Respondent 2 do hereby state on solemn affirmation as under :

I am working as the sub Regional Officer latur with the Maharashtra Pollution Control Board w.e.f ... I am well conversant with the facts and circumstances of the case as well as the record of the case lying in my office, I am filing this Affidavit only with a limited purpose of brining on record facts of the case .

1. Pursuant to this Hon'ble Tribunal Order dated 18th Nov 2022, the Respondent Board has assessed the Environment compensation with respect to withdrawal of water from 28.11.2019 (From consent to Operate) to 29.07.2022 as per CPCB Guidelines. The Respondent M/s. Shikshan Maharshi Dyandeo Mohekar Agro Industries Ltd., has not obtained CGWA NOC til 29.07.2022 and operating unit without adequate air pollution control system thereby violating the norms. A Copy of abstract of the environment calculation assessed by the Respondent Board is enclosed and marked as an **Annexure "A"**.
2. I say and submit that the project proponent has failed comply with the consent conditions & not provided adequate air pollution control measures such as water scrubber and thereby caused damage to the environment. Therefore, the Respondent Board has assessed damaged caused to the environment with regard to dust collector being inadequate as well as TPM of the project

BEFORE ME

P. B. Sitapure
Adv. P. B. Sitapure
Adv. & Notary Govt Of India
Latur, Dist. Latur

proponent was found 685 mg/nm³ against the consent limit of 150mg/nm³ which is on higher side. It has been assessed damage as follows :-

- A) Non provision of adequate Air Pollution System-Rs. 12,00,000/-
- b) Use of Underground water without NOC of CGWA-Rs. 62,340/-
Total of Rs. 12,62,340/- i.e. (Twelve Lakhs Sixty-Two Thousand Three Hundred and Forty Only)

3. I say and submit that the Respondent Board has issued notice to the project proponent directing to deposit environment Compensation by Demand Draft in favour of Regional Officer, MPCB, Aurangabad.

A copy of said notice issued by the Board dated 04.01.2022 is enclosed and marked as an **Annexure "B"**.

4. I say and submit that Board has calculated above environmental compensation w.r.t. CGWA order as per the Hon'ble NGT order O.A. No.73 of 2022 dated 18.11.2022.

I. of. by
Adv. G. A. Shendekar

For and on behalf of
Maharashtra Pollution Control Board

4 JAN 2023

(Parmeshwar Kamble)
Sub Regional Officer-Latur

AFFIDAVIT

Solemnly affirmen before me

by Parmeshwar Vishwambhar Kamble

Age 37 Yer. Occ. Service

R/o Latur Tq. Latur

Who is identified before me by

Shri G. A. Shendekar Adv.

To whom I Know Personally.

P.B. Sitapure
Notary
Govt. of India

Reg. Sr. No. 22/2023

Annexure "A"

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As per CPCB's criteria for classification of Industrial sector vide letter no. B-29012/ESS(CPA)/2015-16 DTD. 07.03.2016, M/s _____ is covered under _____ category and the calculation of Environmental compensation is as follows-

Environmental Compensation(EC) Calculation for untreated /partial treated sewage				
		Red	Orange	Green
1	PI (Pollution Index of Industrial sector (Consent categorisation))			
2	N (Number of days of Violation took place)		50	
3	R (A factor in Rupees)			
4	S (Scale (LSI=1.5,MSI=1,SSI=0.5))		250	
5	LF (Location Factor [Population in million, less than 1=1,1 to less than 5=1.25, 5 to less than 10=1.5, 10 and above=2])			1
EC in Rupees			1200000	
PI * N * R * S * LF				

	Calculation of compensation w.r.t CGWA
Formula	Ground water Consumption Per Day * Env Compensation Rate * Number of Days * Deterance Factor
Ground water Consumption Per Day	
Env Compensation Rate	44
Number of Days	40
Deterance Factor	354
Total	1
	62340

MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 0240-2473461/62/63

Fax : 0240-2473462



"Your Service is our Duty"

Regional Office:

Paryavaran Bhavan, Plot No.A-4/1,MIDC
Chikalthana, Behind Dainik Lokpatra, Near Seth
Nandlal Dhoot Hospital Jalna Road,Aurangabad-
431210

Email : roaurangabad@mpcb.gov.in

No. MPCB/ROA/EC/ 02 /2022
By R P A D

Date: - 04/01/2023

NOTICE

Sub: - Environmental compensation by invoking the 'Polluter Pays' principal for use of underground water without NOC of CGWA and operating the unit without adequate air pollution control system noncompliance reg...

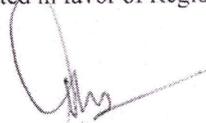
- Ref: - 1) Order dated 18.11.2022 passed by the Hon'ble National Green Tribunal, in O.A. No. 73 of 2022.
2) Proposed Directions issued by the Board vide letter dtd. 20.04.2022.
3) Report received from Sub-Regional Officer, MPCB, Latur dated-24.06.2022.

The Hon'ble National Green Tribunal, Principal Bench, New Delhi has passed an order on 18/11/2022 in O.A. No. 73 of 2022 filed by Babasaheb Mahadev Patil v/s. M/s. Shikshan Maharshi Dnyandeo Mohekar Agro Industries Ltd and Others for the reason of use of underground water without obtaining NOC of CGWA and operating the unit without adequate air pollution control system.

Now, it is to inform you that the Sub-Regional Officer of the Board at Latur reported vide above reference (3) that you are operating the unit without obtaining NOC of CGWA and operating the unit without adequate air pollution control system. So till the issuance of directions vide ref. (2) dated-20.04.2022 total number of days' violations are 96 days.

In view of above you are hereby directed to pay an amount of Rs 12,62,340/- (Rs.Twelve Lakhs Sixty Five Thousand Three Hundred and Forty only) as Environmental compensation assessed on 'Polluter Pays' principal for using underground water without obtaining NOC of CGWA and operating the unit without adequate air pollution control system noncompliance and formula framed by CPCB for calculation of Environmental compensation. The Environmental compensation has been assessed on the record produced by Sub Regional Officer at Latur to comply with the order passed by the Hon'ble National Green Tribunal.

The Environmental compensation of Rs 12,62,340/-may kindly be deposited in favor of Regional Officer, M P C Board, Aurangabad at the earliest.


(Dilip Khedkar)
Regional Officer-Aurangabad.

To,
M/s. Shikshan Maharshi Dnyandeo Mohekar Agro Industries Ltd.,
Gut No623 and 647,A/p Moha,Tq.Kallam,Dist:- Osmanabad.
Copy submitted to :-

1. The PSO, MPCB, Mumbai.

Copy to :

1. The Sub-Regional Officer, MPCB, Latur- for information and necessary follow-up.