

571

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

ORIGINAL APPLICATION No.173/2024(WZ)

Govandi New Sangam Welfare Society

... Applicant

v/s

State of Maharashtra & Ors.

... Respondents

**Affidavit on behalf of Maharashtra Pollution Control Board
i.e. Respondent No.2**

I, Rakesh Dafade, Aged -Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Mumbai-III, having Office address at Kalpataru Point, 2nd Floor, Sion-Matunga Scheme Road No.8, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under :-

1. I am filing this Additional Affidavit in compliance of the Order dated 12/11/2024 passed by this Hon'ble Tribunal.
2. I say and submit that this Hon'ble Tribunal vide Order dtd.12/11/2024 directed Respondent-MPCB to calculate the amount of EDC for violation committed by Respondent No.5-SMS Envoclean Pvt Ltd.
3. I say and submit that the Respondent Board has assessed the Environment Compensation against the Respondent NO.5-M/s.SMS Envoclean Pvt.Ltd. as per the CPCB guidelines for imposition of Environmental Charges (EC) against health care



facility & common bio health care facility 2019, the ECs calculated are as under-



ENVIRONMENTAL COMPENSATION CALCULATIONS					
Sr No	Description	Symbol	Value /Range	Actual To be considered value if So	Remarks
1	Pollution Index				
a	Incinerator Emission (not Complying with BMWM Rules 2016)	PI	20	20	Intermittent exceedance of (PM) Particular Emission in timeline from 29/06/2018 to 02/02/2023. Details of No. of days of violation are mentioned in Annexure - I
b	Treated Wastewater (not Complying with BMWM Rules 2016)		15	NIL	The Treated waste water from ETP is being utilized for scrubbing system in closed loop. No discharge of treated effluent outside. The sludge generated from waste water is disposed at CHWTSDF regularly.
c	Not complying with Autoclave and Microwave standards as per		15	Nil	The reports of spore test & validation test conducted through NABL


	BMWM Rules 2016				Accredited Lab are within norms
d	Biomedical waste not collected and disposed off within 48 hrs		10	NIL	Bio-Medical Waste Collected & disposed off within 48 hrs Hence Complied.
e	Other Violations		10	Nil	
2	Scale of Operation for CBWTF				
a	upto 100 kg/hr	S	0.25	-	
b	100 to 250 kg/hr		0.50	-	
c	250 to 500 kg/hr		1.00	1.0	1. As per consent granted by the Board dated 27.12.2021 Condition no. 22 the industry shall operate at the incineration capacity of 50% of Bio-Medical Waste collected from MCGM area & shall be sent the remaining 50% of incineration BMW to M/s MWML facility, Taloja for scientific treatment and disposal of the waste. 2. As per consent granted by the Board dated 19.12.2022 Condition no. 19



574



					<p>in continuation of Previous CCA condition the industry shall operate at the incineration capacity of 50% of Bio-Medical Waste collected from MCGM area & shall be sent the remaining 50% of incineration BMW to M/s MWML facility, Taloja for scientific treatment and disposal of the waste.</p> <p>3. Amendment in CCA dated 15.03.2023 the condition No. 19 stipulated in the earlier CCA dated 19.12.2022 for 50% operation of the incineration capacity and vide this amendment permission is granted for 100% incineration Capacity utilization.</p> <p>(Total N2=184 days Violation between the period from</p>
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					27.02.2021 to 02.02.2023).
d	>500 kg/hr		1.50	1.5	CTF has provided four incinerator of capacity 250kg/hr each. Hence total capacity of incinerator plant is 1000kg/hr. the authorized treatment capacity (based on incinerator size) is more than 500kg/hr. Hence scale factor has taken as 1.5 (Total N1=67 days Violation between the period from 29.06.2018 to 26.02.2021).
3	Environmental Compensation Factor	R	upto 250	250	
4	Number of days of violation	N	-	251	
	Total Environmental Compensation	EC		14,22,500/-	EC= PI x S x R x N in Rupees

The Formula derived for Environmental Compensation in CPCB guidelines are as under-

Environmental Compensation (EC) for CBWTFs= $PI \times S \times R \times N$
Where;

PI- Pollution Index



S-Size of Operation

R-Environmental Compensation factor

N-Number of days of violation

PI= 20 S1=1.5 S2=1.0

R=250 N1=67 N2=184

EC for CBWTFs = PI x S x R x N

- 1 EC =20 x 1.5 x 250 x 67
 EC = 5, 02,500/- (Rupees Five Lakh Two Thousand
 Five Hundred Only).

- 2 EC = 20 x 1.0 x 250 x 184
 EC = 9, 20,000/- (Rupees Nine Lakh Twenty Thousand
 Only)

- 3 Total EC = 5,02,500+9,20,000
 EC = 14, 22,500/- (Rupees Fourteen Lakh Twenty two
 Thousand Five Hundred Only).

4. I say and submit that in the interest of natural justice, the
 Respondent Board has extended an opportunity of personal
 hearing on 16/1/2025 to M/s.SMS Envoclean Pvt.Ltd.,
 wherein, it was decided to impose the Environment
 Compensation of Rs.14,22,500/- to M/s.SMS Envoclean
 Pvt.Ltd. Accordingly a letter dated 16/1/2025 issued to
 M/s.SMS Envoclean Pvt.Ltd. for deposition of Environment
 Compensation of Rs.14,22,500/-. A copy of the letter dated

577

16/1/2025 is enclosed herewith and marked as an **Annexure-II**.

5. Hence this submission.

Solemnly affirmed on this 20th day of January, 2025 at Mumbai.

For and on behalf of the
Maharashtra Pollution Control
Board,

(Rakesh Dafade)
Sub-Regional Officer, Mumbai-III



BEFORE ME
Vasant B. More
20/1/2025
VASANT B. MORE
Notary Gr. Mumbai
7, Vijaya Sadan, Flat No. 304,
Above Axis Bank,
Sion West, Mumbai-400022

REGISTER Sr. No 82/2025



NO
MC
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OFFICE OF R

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JVRS REPORTS FROM 28.03.2018 TO 06.02.2023

Sr. No.	Sampling Date	PM in mg/Nm ³	from date	To date	No. of Violation days	Remarks
	Standard	50				
1	28/3/2018	37			0	
2	5/9/2018	43			0	
3	3/12/2018	32			0	
4	5/1/2019	47			0	
5	6/1/2019	27			0	
6	11/4/2019	66	11/4/2019	10/6/2019	61	
7	15/5/2019	128			0	
8	11/6/2019	10			0	
9	30/6/2019	15			0	
10	30/6/2019	11			0	
11	29/7/2019	31			0	
12	29/7/2019	18			0	
13	6/8/2019	11			0	
14	9/9/2019	27			0	
15	4/11/2019	14			0	
16	9/12/2019	17			0	
17	7/1/2020	28			0	
18	4/2/2021	43			0	
19	5/2/2021	40			0	
20	6/2/2021	39			0	
21	7/2/2021	109	7/2/2021	7/2/2021	1	
22	8/2/2021	15			0	
23	9/2/2021	28			0	
24	10/2/2021	23			0	
25	11/2/2021	26			0	
26	12/2/2021	48			0	
27	13/2/2021	175	13/2/2021	17/02/2021	5	
28	14/2/2021	142			-	
29	15/2/2021	143			-	
30	16/2/2021	206			-	
31	17/2/2021	171			-	
32	2021-02-18	37.25			0	<p>OCEMS Results-</p> <p>As per Government of Maharashtra Circular during the pandemic period for imposition of restriction consequent the outbreak of corona virus & lockdown situation, MPCB could not carried out stack emission monitoring during the period for 18/02/2021 to 11/11/2021, Hence the Board has considered stack emission monitoring of Online Continuous Emission Monitoring System (OCEMS) installed by CBWTF which is connected to MPCB server. The Stack emission report of OCEMS during this period are within prescribed standards.</p>
33	2021-02-19	37.18			0	
34	2021-02-20	37.33			0	
35	2021-02-21	37.27			0	
36	2021-02-22	37.19			0	
37	2021-02-23	37.27			0	
38	2021-02-24	37.35			0	
39	2021-02-25	37.24			0	
40	2021-02-26	37.31			0	
41	2021-02-27	37.25			0	
42	2021-02-28	37.3			0	
43	2021-03-01	37.31			0	
44	2021-03-02	37.26			0	
45	2021-03-03	37.18			0	
46	2021-03-04	37.34			0	
47	2021-03-05	37.31			0	
48	2021-03-06	37.23			0	
49	2021-03-07	37.42			0	
50	2021-03-08	37.26			0	
51	2021-03-09	37.19			0	

579

52	2021-03-10	37.24			0	
53	2021-03-11	37.11			0	
54	2021-03-12	37.3			0	
55	2021-03-13	37.29			0	
56	2021-03-14	37.22			0	
57	2021-03-15	37.32			0	
58	2021-03-16	37.26			0	
59	2021-03-17	37.24			0	
60	2021-03-18	37.3			0	
61	2021-03-19	37.27			0	
62	2021-03-20	37.29			0	
63	2021-03-21	37.24			0	
64	2021-03-22	37.33			0	
65	2021-03-23	37.38			0	
66	2021-03-24	37.39			0	
67	2021-03-25	37.27			0	
68	2021-03-26	37.3			0	
69	2021-03-27	37.18			0	
70	2021-03-28	37.28			0	
71	2021-03-29	37.27			0	
72	2021-03-30	37.32			0	
73	2021-03-31	37.3			0	
74	2021-04-01	37.33			0	
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78	2021-04-05	37.23			0	
79	2021-04-06	37.33			0	
80	2021-04-07	37.3			0	
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84	2021-04-11	37.28			0	
85	2021-04-12	37.17			0	
86	2021-04-13	37.35			0	
87	2021-04-14	37.19			0	
88	2021-04-15	37.36			0	
89	2021-04-16	37.28			0	
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97	2021-04-24	37.28			0	
98	2021-04-25	37.33			0	
99	2021-04-26	37.28			0	
100	2021-04-27	NA			0	
101	2021-04-28	37.24			0	
102	2021-04-29	37.29			0	
103	2021-04-30	37.29			0	
104	2021-05-01	37.29			0	
105	2021-05-02	37.32			0	
106	2021-05-03	37.23			0	
107	2021-05-04	37.27			0	
108	2021-05-05	37.27			0	
109	2021-05-06	37.25			0	
110	2021-05-07	37.26			0	



111	2021-05-08	37.28			0	
112	2021-05-09	37.25			0	
113	2021-05-10	37.31			0	
114	2021-05-11	37.27			0	
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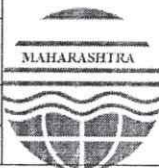
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211	2021-08-16	37.25			0	
212	2021-08-17	37.27			0	
213	2021-08-18	37.26			0	
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253	2021-09-27	37.21			0	
254	2021-09-28	37.24			0	
255	2021-09-29	37.28			0	
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259	2021-10-03	37.3			0	
260	2021-10-04	37.11			0	
261	2021-10-05	37.25			0	
262	2021-10-06	37.32			0	
263	2021-10-07	37.3			0	
264	2021-10-08	37.28			0	
265	2021-10-09	37.49			0	
266	2021-10-10	37.29			0	
267	2021-10-11	37.26			0	
268	2021-10-12	37.28			0	
269	2021-10-13	37.22			0	
270	2021-10-14	37.28			0	
271	2021-10-15	37.27			0	
272	2021-10-16	37.32			0	
273	2021-10-17	37.29			0	
274	2021-10-18	37.24			0	
275	2021-10-19	37.25			0	
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278	2021-10-22	37.34			0	
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281	2021-10-25	37.26			0	
282	2021-10-26	37.24			0	
283	2021-10-27	37.31			0	
284	2021-10-28	37.31			0	
285	2021-10-29	37.31			0	
286	2021-10-30	37.32			0	
287	2021-10-31	37.26			0	

288	2021-11-01	37.25			0	
289	2021-11-02	37.2			0	
290	2021-11-03	37.51			0	
291	2021-11-04	37.13			0	
292	2021-11-05	37.29			0	
293	2021-11-06	37.28			0	
294	2021-11-07	37.32			0	
295	2021-11-08	37.26			0	
296	2021-11-09	37.31			0	
297	2021-11-10	37.3			0	
298	2021-11-11	37.19			0	
299	12/11/2021	84	12/11/2021	11/1/2022	61	
300	12/1/2022	8			0	
301	5/2/2022	5			0	
302	20/5/2022	5			0	
303	15/6/2022	55	15/06/2022	19/8/2022	66	
304	21/7/2022	90			0	
305	20/8/2022	11			0	
306	21/8/2022	17			0	
307	22/8/2022	87	22/8/2022	17/09/2022	27	
308	23/8/2022	192			-	
309	24/8/2022	172			-	
310	25/8/2022	277			-	
311	26/8/2022	193			-	
312	27/8/2022	137			-	
313	28/8/2022	192			-	
314	29/8/2022	177			-	
315	5/9/2022	134			-	
316	6/9/2022	205			-	
317	7/9/2022	183			-	
318	16/9/2022	139			-	
319	17/9/2022	72			-	
320	18/9/2022	47			0	
321	19/9/2022	88	19/09/2022	18/10/2022	30	
322	20/9/2022	65			-	
323	27/9/2022	57			-	
324	19/10/2022	11			0	
325	6/12/2022	46			0	
326	6/2/2023	14			0	
	TOTAL No. of days of violation				251	



MAHARASHTRA POLLUTION CONTROL BOARD		
Phone :	(022)- 25505928	
Fax :	(022)- 25505926	
Email :	romumbai@mpcb.gov.in	Kalpataru Point, 2 st floor, Sion- Matunga Scheme Road, No. 8, Opp. Cine Planet Cinema, Near Sion Circle, Sion (E), Mumbai - 400 022
Visit At :	http://mpcb.gov.in	

"Your Service is our Duty"

No. MPCB/ 250116-FTS-0219

Date:16/01/2025

To,
 SMS Envoclean Pvt Ltd.,
 Near Ghatkopar Mankhurd
 Link Road, Mumbai.

Sub: To levy Environment Compensation.

Ref: 1.Consent to Operate granted by the Board vide
 no.UAN-171815/CR/2312000751 dated 07.12.2023 valid up to
 11.09.2025.

2. Hon'ble NGT Passed the order dtd 12/11/2024 in original
 application 173/2024(WZ).

3. Office Note submitted by SRO Mumbai-3 vide Office
 Note MPCB-ON-3540 dtd. 17/12/2024.

4. Letter issued vide dated 13.01.2025 showing calculation
 of environment damage compensation and personal hearing
 on 16.01.2025.

5. Personal hearing extended to on 16.01.2025.

.....
 Sir,

The Hon'ble NGT, Western Bench, Pune Vide Order dated 12/11/2024
 has directed to the Maharashtra Pollution Control Board to submit the
 calculation of EDC amount with period of Violation in tabular form & submit the
 same by way of an affidavit before the Hon'ble NGT.

In compliance with the Hon'ble NGT Order dated 12/11/2024, EDC has
 been calculated and details were provided to you vide letter at reference no. 4.

During the personal hearing extended to you details of calculation of
 Environment damage compensation was explained to you. Your request for
 exemption of 61 days from the total number of days for EDC calculations and
 your request for the 'R' factor to be considered as rupees 100 instead of rupees
 250 was not accepted.

In view of the above non compliances, you are hereby directed to pay the
 compensation of Rs. 14,22,500/- (Fourteen lakhs, twenty-two thousand and five

585

hundred rupees only) in the name of MAHARASHTRA POLLUTION CONTROL BOARD, within a period of 14 days from date of receipt of these directions, failing which, the Board will have no option than to further initiate appropriate legal action against you, which please note.

This is issued with the approval of the Competent Authority of the Board.

For and on behalf of Maharashtra
Pollution Control Board



(Ravindra B. Andhale)
Regional Officer, Mumbai

Copy to: The Sub Regional Officer Mumbai-3 - He is directed to take follow-up and ensure that letter to be served to the industry.

