

NEXT DATE
08/04/2025

2090

HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

APPLICATION NO. 58/2022 (WZ)

Aryavart Foundation Applicant

VERSUS

RIA CETP Respondents
Co. Op. Society Ltd. & Ors.

**AFFIDAVIT BY RESPONDENTS NO. 4
MAHARASHTRA INDUSTRIAL DEVELOPMENT
CORPORATION (MIDC)**

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Date: **22/02/2025**

Place: Thane

Filed by:



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CONTACT DETAILS OF PARTIES

BETWEEN

..... APPELLANT

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VERSUS

..... RESPONDENTS

1. **RIA CETP Co. Op. Society Ltd (RIA CETP)**
2. **Maharashtra Pollution Control Board (MPCB)**
3. **Central Pollution Control Board (CPCB)**
4. **Maharashtra Industrial Development Corporation (MIDC)**
5. **Sudarshan Chemical Industries Ltd**
6. **R & B Infra**
7. **Hydro Air Techtonics (PCD) Ltd**

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ABBREVIATIONS USED

| Short form | Full-form |
|--------------------------|--|
| BOD | Biological Oxygen Demand |
| C2E | Consent to Establish |
| CETP | Common Effluent Treatment Plant |
| COD | Chemical Oxygen Demand |
| CPCB | Central Pollution Control Board |
| CTO | Consent to Operate |
| m³/day | meter cube per day |
| MIDC | Maharashtra Industrial Development Corporation |
| MLD mld | million litres per day = 1000 m ³ /day |
| MoEFCC | Ministry of Environment, Forests and Climate Change, Government of India |
| MPCB | Maharashtra Pollution Control Board |
| NEERI | National Environmental Engineering Research Institute |
| OA | Original Application |
| pH | Potential of Hydrogen |
| PMC | Total Organic Carbon |
| RIA | Roha Industries Association |
| RIA CETP | Common Effluent Treatment Plant |
| SCADA | Supervisory Control and Data Acquisition [automatic system that controls CETP] |
| SPCB | State Pollution Control Board |
| TKN | Total Kjeldahl Nitrogen |

MOST RESPECTFULLY SUBMITTED

1. I, Shashikant Gittee, am working as Deputy Engineer, MIDC, Roha Sub-Division, am filing this affidavit in continuation with earlier affidavits dated 10/10/2022 (page Nos. 404-692) and 03/11/2022 (pages 720 to 738). This is being filed with a view to further clarifying the issues raised during the hearing on 31/03/2023 and recorded in the Daily Order.

2. MPCB has filed Supplementary Report of Joint Committee (S-JCR) dated 22/08/2024. The observations in it are required to be responded through this Rejoinder, which is done hereunder in pointwise manner.

SUPPLEMENTARY JOINT COMMITTEE REPORT

Contiguous Pagination of Page No. 1599

Point 3.2 RESPONDENT NO. 4 (MIDC):

| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|---|---|--|
| The most important failure of the Joint Committee Report (JCR) is to take the samples of the result of pollution at the effluent discharge point, including the up- stream points. MIDC has taken these | As per order of Hon'ble NGT dated 06.07.2024, the committee was directed to visit the site and submit factual and action taken report with regard to the violation, if any action was taken thereon. The Application (OA) is regarding the non- | The grab sampling of particular instance does not reflect the performance of CETP, being the chemical reactions in CETP is very complex. Therefore, flow specific effluent sampling at the inlet & outlet of CETP for continuous 72 hours, will give the exact performance of each unit operations and processes of the CETP. It would have been |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|--|--|---|
| <p>samples, analyzed them in RIA CETP Lab at site and the results for the month of May 2023. It shows that there is controlled sustainable impact on the recipient environmental body due to discharge of effluent. These can be very well verified through any laboratory as may be deemed fit by Hon'ble Tribunal.</p> | <p>compliances and violation of environmental norms by CETP M/s RIA CETP. Accordingly, the Committee carried out the stage wise grab sampling of CETP on 06.09.2022) and correctly evaluated and placed at Joint Committee Report (Oct 2022). The functioning of the CETP was highly improper with up-gradation work under progress with quite delay in the up-gradation work. The Respondent No.4 has given reference of samples taken in the month of March 2023, therefore cannot be compared with previous observations/findings in the Joint Committee Report (2022), wherein the said CETP is found to be non-complied and also based on the</p> | <p>appreciated that the Joint Committee could have collected the samples at the effluent disposal point in the Saline Zone simultaneously with the effluent samples collected at the out of CETP effluent & then could have taken a decision on levy of Environmental Compensation after examining the impact on the marine life biological life at the effluent disposal point in the saline zone. This would have a more scientific base & footing to arrive at levy of compensation.</p> |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC | | | | |
|---|--|--|--------------------------|---|----------|--------------------------|
| | <p>past monitoring carried-out by MPCB, the said CETP is consistently found to be non-complied w.r.t. notified discharge standards.</p> | | | | | |
| <p>Respondent No. 4 / MIDC states that it has to be the admitted position that.</p> <p>i. Pollution is done by the member industries and MIDC is only the facilitator.</p> <p>ii. Respondent No. 1 / RIA CETP was the specially created entity by the consent and approval of all the stakeholders that also included the CPCB, MPCB, and MIDC.</p> <p>Observations/</p> | <p>CPCB and MPCB has not approved design of the CETP. CPCB has not given any approval/consent to the CETP. Member industries discharged the effluent with high concentration behind their discharge standards as evident from inlet concentration of CETP as mentioned in the Additional Report (July 2023). Resp No.1 as operator has not operated the CETP (prior to 2020) properly and also there was no proper control of operator over their member industries with no proper</p> | <p>NEERI has approved the design & MPCB was intimated about it.</p> <p>The Joint committee in their report would specify the number of days lost due to corona pandemic & the time required for rehabilitation, up-gradation & modernization of defang and non-compliant CETP since 2009. The details on loss of period due to Corona pandemic & time required for rehabilitation, upgradation, modernization of defang & non-compliant CETP to be waived off from total 789 days considered for levy of EC is submitted in the following table.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">1</td> <td style="width: 40%;">Minimum 18 Months for completing the rehabilitation</td> <td style="width: 15%;">546 days</td> <td style="width: 40%;">01.02.2020 to 31.07.2021</td> </tr> </table> | 1 | Minimum 18 Months for completing the rehabilitation | 546 days | 01.02.2020 to 31.07.2021 |
| 1 | Minimum 18 Months for completing the rehabilitation | 546 days | 01.02.2020 to 31.07.2021 | | | |

| Major Objections | Observations S-JCR | Explanation by R-4 MIDC | | | | | |
|--|--|--|--|--------------|---|--|--|
| <p>Comments</p> <p>iii. The design was approved by 'NEERI, CPCB, MPCB</p> <p>iv. RIA CETP could not operate it properly for the period from 01/04/2017 to 31/01/2020.</p> <p>v. RIA CETP could not operate it properly for the period from 01/04/2017 to 31/01/2020.</p> <p>vi. The period of 18 months (540 days) was provided for the upgradation of CETP. Obviously, during that period RIA CETP could not have worked anyway.</p> | <p>documentations/agreement for inlet effluent and monitoring and no submission of defaulting member industries to MPCB.</p> <p>As there was no proper operation and non-compliance of the CETP, therefore handed over to the MIDC with direction issued by MPCB in 2017. MPCB has taken various actions which are mentioned in the Joint Committee Report (Oct 2022) and further as per order dated 31.03.2023 of the Hon'ble NGT, Committee clarified about the responsibility for paying compensation for the period for which CETP was not function as per consented norms</p> | | | | and upgradation work of defang & non-compliant CETP Since 2009. | | |
| | | 2 | 6 months extension by GOM for COVID first Wave | 184 days | 15.03.2020 to 15.09.2020 | | |
| | | 3 | Natural calamities (Nisrga Cyclone) | 08 days | | | |
| | | | | Total | 738 days | | |
| | | <p>Therefore, MIDC submits that instead of computing the Environmental Compensation on 789 days & shouldering all responsibility to collect it on MIDC, the Environmental compensation should have been revised & computed on 51 days only & could have mentioned in the subsequent Supplementary Report by the Joint Committee & MPCB shall be directed to recover it, since MIDC has no legal powers to levy & collect</p> | | | | | |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|---|--|---|
| <p>vii. The Corona Pandemic period was from 01/03/2020 to 31/03/2022 (two years 730 days), during which period the world has seen many unprecedented difficulties, whenever imagined AND there was lock-down, forced migration of labour, disruption of manufacturing and supply chains</p> | <p>and computed the Environmental compensation based on Methodology prepared by CPCB which is adopted in various Hon'ble NGT matters which is based on the non-compliances/violations.</p> <p>The various period mentioned in the objections raised by Resp No.4 regarding corona period may be considered by Hon'ble NGT.</p> | <p>under the provisions of MIDC Act, 1961. However, the said legal powers are vested with MPCB.</p> |
| <p>The tri-party contract Clause No.10 Indemnity clearly state that MIDC is only facilitator, and all parties (Contractor and Member Industry) shall indemnify</p> | <p>The unsigned copy of the tri-party agreement was given to the Committee after the visit of the Committee which is Tripartite (now Quadripartite) agreement/ contract not yet duly signed.</p> | <ul style="list-style-type: none"> ▪ MIDC submits that MIDC has first signed first MOU with RIA CETP on dt. 15.02.2001 for setting up of CETP of 12 MLD capacity with specified obligations and responsibilities of all three agencies i.e. the beneficiary CETP |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|--|---|--|
| <p>and shall hold harmless MIDC from any dispute resulting out of treatment standards and compliances.</p> | <p>This shows the grossly lackadaisical approach of the stakeholder of the CETPs.</p> | <p>member industry RIA CETP & MIDC.</p> <ul style="list-style-type: none"> ▪ Subsequently second, MOU was signed between M/s. Hydroair Technics (PCD) Pvt Ltd, RIA CETP Co- operative Society Ltd & MIDC with specified obligation & responsibilities of each parties. ▪ Further, third MOU sixed between MIDC & RIA CETP Co.op Society Ltd, Roha MIDC on dated 01.02.2020 with specified obligations & responsibilities of each party as per the terms & conditions. ▪ Therefore, MIDC submits that all above mentioned MOUs and subsequent tripartite agreements are in–continuation to each other & merely not signing tripartite/ quadripartite agreement does not dilute the role & responsibility of RIA CETP Co-op Society Ltd as well all CETP beneficiary member |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|---|---|--|
| | | <p>industry. It is Continued administrative process and therefore merely not signing Tripartite agreement / quadripartite agreement does not dilute the role & responsibilities of each of the party.</p> |
| <p>viii. The duty of MIDC is to facilitate the services such as road, lights, pipelines etc. They don't have expertise in the Environment Engineering Field or have such staffs/cell with them.</p> | <p>Function of Resp No. 4- MIDC as per Sec. 15(c) of MID Act, 1961; "(c)to provide or cause amenities and common facilities estate and industrial areas and construct and maintain or cause to be maintained works and buildings therefor;" And as mentioned in the direction issued by MPCB, Resp No. 1- MIDC is the planning Authority for providing infrastructure facilities for the MIDC area and also to ensure that the industries located in the MIDC</p> | <p>As per the mandate given under MID Act, 1961, MIDC is an industrial infrastructure development agency Role of MIDC is limited to providing infrastructure facilities like, W/s, roads, drainage, effluent collection & disposal system, street lights etc. Therefore, individual industry needs to set up their own ETP to meet disposal standards as per the Water Act 1974 & SSI units may form CETP Co-op Society Ltd or Company or Trusts for common treatment of effluent facility generated by SSI units as per the MOEF&CC guidelines & Notifications. The role of MIDC as the planning Authority does not cover to treat & meet the</p> |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
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| | <p>area should have been provided with proper water supply, roads, drainage lines including proper collection and transportation of effluent line as well as treatment and disposal system to the wastewater generated from MIDC area as per the approval of respective authorities. When the MIDC is operating the CETP in past, the difficulties in respect of not having expertise is not communicated /intimated to MPCB.</p> <p>In other CETPs also MIDC as operator engaging private contractor and operating CETPS (Taloja, Lote Parshuram etc)</p> | <p>effluent standard discharged by Industries & it is separately covered under the water (P&C of) Act, 1974</p> |
| <p>Inlet of CETP is not within the limit then the outlet cannot be</p> | <ul style="list-style-type: none"> It is the duty of individual member industry to operate their ETP to | <p>The CETP rehabilitation upgradations & Modernization work completed on date</p> |

| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|--|--|--|
| <p>achieved. As per CTO condition- If the CETP is not able to achieve the outlet parameters, then all the members and the said society would be individually and jointly responsible and liable for legal actions under the provision of Sections 47 of the Water (Prevention & control of Pollution) Act, 1974.</p> <ul style="list-style-type: none"> • Res pondent No. 4 / MIDC is neither the generator of pollution, polluter, abettor of pollution, nor the party responsible to fastening of any liability under 'polluter pays principle' • At | <p>achieve the norm/standards as per Consent.</p> <ul style="list-style-type: none"> • However, Member industries discharged the effluent with high concentration beyond their discharge standards, as it is evident from inlet concentration of CETP as mentioned in the Additional Report (July 2023). Resp No.1 as operator has not operated the CETP (prior to 2020) properly and also there was no proper control of operator over their member industries with no proper documentations/agreement wrt inlet effluent quality and monitoring. • Since Feb. 2020, Resp No.4 MIDC is operator as per direction of MPCB as | <p>30.04.2023 & CETP was commissioned. The defang and non-compliant CETP was handed over to MIDC by RIA CETP Co-op Soc. Ltd in February 2020. It is be illogical to expect the defang & non-compliant CETP to be made compliant overnight. MIDC needed minimum 18 months period to carry out various rehabilitation work of defang and non- complaint CETP since 2009. Hence, Joint Committee of Technical member could have given considerations for the time required to bring the defang & non complaint CETP for streamlining the operations after carrying out rehabilitations & upgradations work & it is to be noted that which period RIA CETP could not have operated CETP effectively & efficiently for want of rehabilitation & upgradation required. However, the Jt. Committee did not give any considerations on this prime aspects & levied Environmental Compensation for the said</p> |

| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
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| <p>all the time, and even now, the basic complaint is about the total failure of the Respondent No.1 / RIA CETP Co-op Society Ltd & MPCB to control the quality of raw untreated effluent that is coming to the inlet of CETP.</p> | <p>earlier operator i.e. Resp No. 1 has not operated CETP properly and continues non-compliance observed for CETP.</p> <ul style="list-style-type: none"> • Resp No.4, MIDC is not polluter, however, being operator of CETP after the direction of the MPCB, is responsible for properly operation of the CETP/complete the work of up-gradation on time/singing of tri-party agreement etc and further, can recover the Env. Compensation from member industries based on 'polluter pays principle. Environmental Compensation is imposed on Resp No. 4 after taking over the CETP for up-gradation and O&M from Resp No.1 as per MPCB direction | <p>period on R-4 i.e. MIDC. Even, the work of CETP rehabilitation & upgradation would have been carried out by RIA CETP, they would have taken time for it. Therefore, MIDC is of the view that 18 months the time period required for rehabilitation & upgradation should have been shouldered on R.No.1 i.e. RIA CETP instead R.4 i.e. MIDC. Else, MPCB could have stopped the functioning of the CETP after noticing it was non-compliant and action against defaulting industries. Instead of shouldering the responsibility on MIDC, who does not have any legal powers under the water (prevention and control) Act,1974. Therefore, imposing the Environmental compensation on R.No.4. i.e. MPCB from taking over of CETP is unossified, rather stopping of operations of CETP and then handling over process should have been considered & thus allowing pollution from Non-</p> |

| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|---|--|---|
| | (06.03.2017). | complaint CETP & damaging environment further, MIDC has never mentioned in their Directions under Section 33A of the Water (pollution & Control of) Act 1974, that MIDC will be legally held responsible for Environment damage & levy of Environmental Compensation. |
| <p>Respondent No. 4 / MIDC states that MPCB ought to have taken the responsibility of running the CETP to itself u/s.30 of the 'Water (Prevention and Control of Pollution) Act 1974', instead of passing it on to MIDC. It was the duty, function and statutory duty of MPCB to carry out such work.</p> | <p>Section 30 of the water (P & CP) Act, 1974- Power of State Board to carry out certain works.-</p> <p><i>"If the person concerned fails to execute the work as required in the notice referred to in sub-section (1), then, after the expiration of the time specified in the said notice, the State Board may itself execute or cause to be executed such work."</i></p> <p>As per direction dated 06.03.2017 issued by</p> | <p>There is no mandate to MIDC as per MID Act 1961 to carry out treatment on the industrial effluent collected in MIDC common effluent collection sump before pumping onwards at the location approved by NIO in the creek / Saline zone. MPCB collects effluent samples from the MIDC common collection sump & if the effluent parameters would have been beyond limits then MPCB should have taken action on individual polluting industries.</p> |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|--|---|---|
| | <p>MPCB to MIDC</p> <p><i>"whereas the MIDC is the planning authority for providing infrastructure facilities for the MIDC area and also to ensures that the industries situated in the MIDC area should have been provided with proper water supply, roads, drainage line including proper collection and sewerage line as well as treatment and disposal system to the waste generated from their activities."</i></p> <p>Accordingly, MIDC to execute the operation of CETP.</p> | |
| <p>Respondent No.4/MIDC states that the responsibility and</p> | <p>As reps, No. 4 was directed to the take over the operation & maintenance of</p> | <p>MIDC is not a polluter and merely taking over the defang & non-complaint CETP only for</p> |

| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|---|---|---|
| <p>cost fastened on MIDC is totally wrong not to have been party to such Joint Committee Report, due to conflict of interest.</p> | <p>CETP, instead of Resp No.1 which was the operator of the CETP. Therefore, Resp No. 4 is the operator and responsible and considered liable to pay env compensation as during the period mentioned in the Additional Report of the Committee (July 2023) for violation of the discharge standards.</p> <p>CETP is provided for the treatment of partially treated effluent particularly from SSI Industries and therefore pollution is done/created by member industries and therefore primary responsibility is of the member industries for the treatment of their effluent to meet with standard prescribed standards.</p> <p>EC is imposed on</p> | <p>rehabilitation & upgradation work for improvements, does not transfer the responsibility on MIDC as per the Water (Prevention & Control of pollution) Act, 1974 and still the responsibility rest with the RIA CETP & its beneficiary member industries. The CTO from MPCB is in the name of RIA CETP and the plot on which CETP is constructed belongs to RIA CETP. Hence, entire responsibility rest with RIA CETP & their CETP beneficiary member industries & as per The Water Act, 1974 it cannot be transferred.</p> <p>MPCB in their 33 A Directions under the Water Act, 1974, never mentioned that MIDC will be legally held responsible for Environment Damage on account of pollution by industries. Rather, MIDC acted as an agent on behalf of MPCB in good faith and completed the work of defang & non-compliant CETP</p> |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|------------------|--|--|
| | <p>MIDC after taking over the CETP from RIA for O&M. Further, as stated in the Joint committee report, MIDC can recover the compensation from the member industries of the RIA CETP Co-operative Society Ltd., along with their monthly water supply charges, drainage charges and CETP membership charges. The constitution of the Joint Committee is as per the order passed by the Hon'ble NGT and membership of MPCB in the Committee has already been appropriately mentioned in the Hon'ble NGT order (para 6, dtd 08.05.2024)</p> | <p>since,2009, in shortest possible time with many hurdles viz. impact of COVID-19 Pandemic, Natural calamities (Nisarg Cyclone), supply chain disruptions due to conflict between Russia and Ukraine (as major exporters of steel), global semi- conductors shortages, delivery of instrumentation etc, and also the operational challenges like carrying out rehabilitation & upgradation work of CETP keeping defang & non compliant CETP in operation to its maximum possible efficiency. Through, the beneficiary CETP member industries were violating CETP inlet design norms & MIDC/Operator repeatedly brought the fact to the notice of MPCB for urgent need of actions against de faults industries. Vide letter dated 09/12/2020, 24/05/2021, 30/07/2021 & 2/05/2023</p> |
| Overall time for | Hon'ble NGT may | In view of above facts there |

| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|--|---|---|
| <p>upgradation of CETP was prolonged due to COVID-19 and Nisarga Cyclone. Hence requested not to count this period as a non-compliance period. Further, they submitted that the industries were also not operating with their full production capacity during this period.</p> | <p>consider the request of Resp No.1 for not to count/consider the period wrt Nisarg Cyclone and Covid - 19 pandemic.</p> | <p>was a need to give considerations to the following MIDC's repeated request while considering the number of days computing the Environmental Compensation.</p> <p>a) Not to consider 18 months minimum time required for bringing into operation & achieving the disposal norms of MPCB by defang & non-compliant CETP, since 2009.</p> <p>b) Not to consider the number of days lost due to COVID-19 Pandemic period, as per Government of India guidelines.</p> <p>c) Not to consider the number of days (08 days) lost due to the Natural calamities (Nisarg cyclone) being un-for seen measures & Act of God.</p> <p>d) Not to shoulder the responsibility to recover the Environmental compensation from</p> |

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| Major Objections | Observations S-JCR | Explanation by R-4 MIDC |
|------------------|--------------------|-------------------------|
| | | defaulter industries. |

In View of above MIDC sumits & pray to Hon'ble NGT that;

- i)** The 18 months (540 days) period required for rehabilitation, upgradation & modernization of RIA CETP for which Environmental Compensation is proposed by Jt Committee on Respondent No.4 i.e. MIDC shall be levied on Respondent No.1 on the grounds that the inadequate control of incoming raw effluent quality by the beneficiary CETP member industry violating the Memorandum of Understanding (MOU) executed on 01.02.2020 with MIDC as well violating / exceeding the inlet CETP design norm. Rest with Respondent No.1 i.e. RIA CETP co-op. Society Ltd considering breach of terms & conditions of MOU signed on dated 01.02.2020 between MIDC & RIA CETP co-op Society i.e. R-1 & R-4. It Specifically states that incase of COD of influent crosses 3000 ppm, the operator will report of RIA CETP & MIDC. Any consequence for that purpose from MPCB/CPCB/NGT will be RIA CETP's responsibility.
- ii)** MIDC is not a polluter but facilitator hence as per 3P (Polluter Pays Principle), the Environmental compensation is be paid by defaulter CETP beneficiary member

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industries & RIA CETP as it failed to control its CETP, beneficiary member industries as per NGT act, 2010, (No.19 of 2010) chapter III, Jurisdiction, power and proceedings of the Tribunal, section 20. The tribunal shall, while passing any order or decision or award, apply the principles of sustainable development the precautionary principles and the polluter pays principle.

- iii)** If the rehabilitation, and upgradation work could have been assigned by MPCB to RIA CETP instead MIDC till RIA CETP would have required time to complete and commissioned CETP and achieve treated effluent quality upto the MPCB disposal norms.
- iv)** MIDC acted as an agent on behalf of MPCB in good faith and completed the CETP work & successfully commissioned it through MIDC does not have expertise in the field of Environmental Science & Engineering. If Environmental compensation is levied on Respondent No.4 i.e. MIDC, then it will be a wrong precedence & MIDC may not have obligations to accept such challenges in future through the directions may be issued upon MIDC.
- v)** MPCB should have acted upon as per the section 30 of the Water (Prevention & Control of Pollution) Act, 1974 instead of shouldering the entire responsibility to

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MIDC, who has no legal powers as well expertise in the field of Environmental science & Engineering.

- vi)** The lockdown imposed due to COVID-19 pandemic on 24th March 2020 by Government of India vide Notification no 40-3/2020-DM-I(A) dated 24th March 2020. had a great impact on availability of man power, materials, restrictions on the transportation of goods Nationally & Internationally, and migration of Labour resulting in delays in work needs to be considered for calculating Environmental Compensation.
- vii)** The days lost (08 days) due to Nisarg cyclone caused damages to the structures, plant & equipment of CETP, delayed CETP work progress needs to be omitted from the total days considered for levy of Environmental Compensation.
- viii)** As per the MIDC Policy 25% Capital Cost of the project is to be borne by CETP Co-op Society Ltd & 75% Capital cost of the CETP Project is to be borne by MIDC. The total Project Cost of CETP is Rs. 57.00 crores and MIDC has spent Rs.50.00 Crores from its packet. However the CETP beneficiary member industries has paid only Rs 5.50 crores against approximate cost 15 cr.

A list of CETP beneficiary member industries along their 25% proportionate Capital cost contribution paid and balance contribution to

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be paid is enclosed herewith as **Annexure-1**. Hon'ble NGT is requested to issue orders to MPCB to further issue 33A directions to pay the balance capital cost contribution otherwise closure down the industrial activities till full capital cost contribution is paid to MIDC without any further loss of time.

ix) In case of Taloja CETP matter before the Hon'ble NGT, Principal Bench, New Delhi, MIDC deposited Rs. 15 crores with the collector, Raigad with directions to recover the same from polluting industries. However as against Rs.15 crores, MIDC received only Rs. 4.67 Crores.

A list of individual industries along with the proportionate penal charges to be paid by each industry, penal charges paid to MIDC, balance charges to be paid to MIDC is enclosed herewith & marked as **Annexure – 2**. Few industries challenged the decision of Hon'ble NGT before the Hon'ble Supreme Court of India & the matter is still pending.

x) Similarly, the Taloja CETP beneficiary member industries paid Rs.7.42 Crores as against Rs. 18.41 crores towards the 25% Capital Cost contribution. A list of industries along with their 25% proportional Capital cost contribution paid, balance contribution is enclosed herewith & marked as **Annexure-3**.

xi) The industries neither paying penal

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charges & nor 25% Capital Cost Contribution towards CETP rehabilitation, upgradation, expansion & modernization even after the orders of the Hon'ble NGT.

- xii)** MIDC cannot take any legal actions against these penal charges & Capital cost contribution towards the CETP rehabilitation, upgradation, expansion & modernization, since there is no legal powers vested with MIDC as per the MID Act, 1961 and powers to disconnect the water supply of the defaulter industries.
- xiii)** MIDC request Hon'ble NGT to issue orders to MPCB to recover the proportionate CETP penal & capital cost contribution, since it has all legal powers under the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 & under the hazardous & other Waste (Management & Transboundary Movement) Rules, 2016.
- xiv)** It is submitted that on similar lines of levy & collection of penal charges by MPCB in case of Hazardous Waste (Management & Hazardous) Rules default industries, MPCB may recover the Environmental Compensation from RIA CETP Co. op society ltd & their CETP beneficiary member units instead of MIDC, with whom no legal powers are vested. Hence, MPCB may be directed to recover the penal charges & CETP capital cost contribution

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which is not yet paid by the defaulting industries in Roha & Taloja industries to MIDC.

4. As most respectfully submitted even earlier, in fact, the R-2-MPCB ought to have taken the task to itself, u/s. 30 of the Water Act and as per the duties and functions of the R-2-MPCB elaborated u/s.17 of the Water Act. But instead of that R-2-MPCB gave the directions to Respondent No.4 - MIDC.

5. Respondent prays to Hon'ble Tribunal to consider objections to S-JCR and note the fact that MIDC was never the financial or otherwise beneficiary in this subject matter. Respondent No.4 - MIDC stood by the environmental cause and occasion, complying with the compulsory statutory directions of the R-2-MPCB. If Respondent No.4 - MIDC is penalised for the assistance given, in future, MIDC will be compelled to be afraid of helping in any noble cause.

6. Respondent No.4 - MIDC is a statute driven organization. MIDC doesn't have power to recover the dues from industries of the nature of any penalty. Hence the penalties that are to be imposed on CETP RIA **OR** the vendors who actually did upgradation and Operation and Maintenance of CETP **OR** the Member Industries of the RIA CETP should be penalised directly without involving Respondent No.4 - MIDC as "recovery agent". **OR** MPCB may be directed to collect the penalties and use them in accordance with the provisions of the EPA and NGT Act.

AND I shall ever pray for this act of kindness, as duty bound.

Gitte x

Place: Thane

Shashikant Gittee

Date: 22/02/2025

Respondent No. 4 MIDC
Deputy Engineer
MIDC Sub Division Roha.

VERIFICATION & AFFIDAVIT

I, Shashikant Gittee, age 48 years, Deputy engineer MIDC Roha Sub-Division do hereby verify that the contents of the affidavit above are true to my personal knowledge and are believed to be true on legal advice. I have obtained the technical information stated hereinabove from the concerned officials of the applicant company. I have not suppressed any material fact. Thereafter, I have made the above affidavit on solemn affirmation and oath.

Gitte x

Place: Thane

Shashikant Gittee

Date: 22/02/2025

Respondent No. 4 MIDC
Deputy Engineer

Identified by & signed before me: MIDC Sub Division Roha.



**BEFORE ME
NOTARY**
Gitte
SUNITA S. GOLE
ADVOCATE & NOTARY
Off.: Shop No.3, Near Food Box Hotel,
Behind Sai Baba Mandir, Thane Court Main,
Thane (M.S.) - 400011. Mob. 9822014000



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भारत सरकार
Government of India



भारतीय
जाळख प्राधिकरण
Unique Identification Authority of India



पत्ता:



1947



help@uidai.gov.in



www.uidai.gov.in

STATEMENT OF CAPEX RECOVERED AMOUNT

Ax.R1

| Sr. No | Consumer No. | Name of Consumer | Plot No. | LEVIED AMOUNT | GST 18% | TDS deduct | Total | Recoverd amount / Allready paid by consumer | Balance CAPEX Amount | Remark |
|--------|--------------|-------------------------------------|-------------------|---|----------------|---------------|-----------------|---|----------------------|--|
| 1 | 3ROH | Neelikon Food Dyes & Chemicals Ltd | 17 | 2714496 | 488609 | 0 | 3203105 | 2714496 | 488609 | |
| 2 | 8ROH | Excel Industries Ltd | 112 | 6677871 | 1202017 | 133558 | 7879888 | 7746330 | 0 | |
| 3 | 12ROH | Unichem Laboratories Ltd | 99 | 2815634 | 506814 | 0 | 3322448 | 3322448 | 0 | |
| 4 | 13ROH | Anshul Specialty Mol.Ltd | 108,09,10 | 1571405 | 282853 | 0 | 1854258 | 1571405 | 0 | |
| 5 | 17ROH | Transworld Furtichem Pvt.Ltd. | 39/1, 39/2 | 3178321 | 572098 | 0 | 3750419 | 3750419 | 0 | The CAPEX amount is paid by the plot holder. But the acknowledgment cannot be received |
| 6 | 20ROH | Victor Chemi Colour | 15/1 | 4599 | 828 | 0 | 5427 | 4599 | 828 | |
| 7 | 21ROH | Taskar Chemicals | 60 | 171433 | 30858 | 0 | 202291 | 171433 | 30858 | |
| 8 | 28ROH | Bec Chemicals ltd | 24-Jan | 1148211 | 206678 | 0 | 1354889 | 1148211 | 206678 | |
| 9 | 29ROH | D.R.T.Anthea Aromatic Ltd. | 51-A | 610975 | 109976 | 9165 | 711786 | 601810 | 109976 | |
| 10 | 30ROH | Rathi Dye Chem Pvt Ltd | 40/1 | 2546728 | 458411 | 0 | 3005139 | 2546728 | 0 | GST Amount received for Rs.458412/- |
| 11 | 31ROH | Roha Dye Chem Pvt Ltd | 23/1/1 | 189751 | 34155 | 0 | 223906 | 189751 | 34155 | The CAPEX amount is paid by the plot holder. But the acknowledgment cannot be |
| 12 | 41ROH | Kores India Ltd. | 59,65,66-A | 2665023 | 479704 | 0 | 3144727 | 2665023 | 479704 | |
| 13 | 46ROH | DRT-Anthea Aroma Chem.Pvt.Ltd. | 49,50 | 208107 | 37459 | 3122 | 242444 | 204985 | 37459 | |
| 14 | 47ROH | Neelikon Foods Dyes & Chemicals Ltd | 67 | 1661650 | 299097 | 0 | 1960746 | 1661650 | 299096 | |
| 15 | 50ROH | Solvay Specialities India Pvt Ltd | 103 TO 105 | 1358765 | 244578 | 0 | 1603342 | 1358765 | 244577 | |
| 16 | 51ROH | Shri. Ravindra S. Kedia | 16/1 | 28572 | 5143 | 0 | 33715 | 28572 | 5143 | |
| 17 | 55ROH | Neelikon Food Dyes & Chemicals Ltd | 67-A | 16771 | 0 | 0 | 16771 | 16771 | 0 | |
| 18 | 58ROH | Sudarshan Chemicals Ltd | 46 | 17500000 | 3150000 | 0 | 20650000 | 17500000 | 3150000 | As per committee report 71599085/- was waived & 17500000/- rupess were |
| 19 | 69ROH | Deepak Nitret Ltd. | 1 to 6 & 26 to 31 | 2927046 | 526868 | 0 | 3453914 | 2927046 | 526868 | |
| 20 | 70ROH | Deepak Nitret Ltd. | 53-A | 6028 | 1085 | 0 | 7113 | 6028 | 1085 | |
| 21 | 71ROH | Danashmand Organic Pvt.Ltd. | 101 102 | 289753 | 52156 | 0 | 341909 | 289753 | 52156 | |
| 22 | 84ROH | Mandar Organic Pvt.Ltd. | 56 | 21077 | 3794 | 0 | 24871 | 21077 | 3794 | |
| 23 | 88ROH | DRT-Anthea Aroma Chem.Pvt.Ltd. | 51-A/1 | 371771 | 66919 | 5577 | 433113 | 366194 | 66919 | |
| 24 | 89ROH | Privi Life Sciences Pvt. Ltd. | 22/1-A | 154309 | 27776 | 0 | 182085 | 154309 | 27776 | |
| | | Total | | 48838296 | 8787874 | 151422 | 57608306 | 50967803 | 5765682 | |
| | | | | (Annexure-II) Installment received Rs. | | | | 9519204 | | |
| | | | | Total Received CAPEX Amount | | | | 60487007 | | |

T.C

Deputy Engineer,
MIDC Sub - Division Roha

DETAILS OF CAPITAL CONTRIBUTION PENDING MEMBERS IN ROHA INDUSTRIES AREA

| Sr. No | Consumer No. | Name of Consumer | Plot No. | LEVIED AMOUNT | GST 18% | Recoverd amount / Allready paid by consumer | Balance CAPEX Amount |
|--------|--------------|----------------------------|---------------------|--|-------------------|---|----------------------|
| 1 | 1ROH | Roha Dye Chem Ltd | 42 | 8545045.00 | 1538108.10 | 0.00 | 10083153.10 |
| 2 | 5ROH | Sadhana Nitro Chem. Ltd | 47 | 2515430.00 | 452777.40 | 0.00 | 2968207.40 |
| 3 | 7ROH | Vidhi Dye Stuff Mfg Ltd | 59-B | 705655.00 | 127017.90 | 0.00 | 832672.90 |
| 4 | 11ROH | DMC LTd | 105 | 5948105.80 | 1070659.04 | 2111140.00 | 4907624.84 |
| 5 | 14ROH | FDC Limited | 19,20/2 | 1150403.00 | 207072.54 | 0.00 | 1357475.54 |
| 6 | 15ROH | Clariant Chem.I.Ltd. | 1,13,114 | 15856764.00 | 2854217.52 | 5518579.00 | 13192402.52 |
| 7 | 18ROH | SPAB Chem. Pvt.Ltd. | 64-A | 204623.92 | 36832.31 | 55189.00 | 186267.23 |
| 8 | 25ROH | Naturex India Pvt Ltd. | 15/2,26/2 | 257678.00 | 46382.04 | 0.00 | 304060.04 |
| 9 | 33ROH | Raptakos Brellt and co.ltd | 100/2 | 654695.00 | 117845.10 | 0.00 | 772540.10 |
| 10 | 40ROH | Anek Prayog PVt LTd | 57/2 | 113212.00 | 20378.16 | 0.00 | 133590.16 |
| 11 | 42ROH | Mazda Colours ltd | 121/1 | 3668592.20 | 660346.60 | 1834296.00 | 2494642.80 |
| 12 | 53ROH | Ravindra S.Kedia | 14 | 211904.00 | 38142.72 | 0.00 | 250046.72 |
| 13 | 61ROH | Elppe Chemicals Pvt Ltd | 56/1,57/1,63/1,63/2 | 1490940.00 | 268369.20 | 0.00 | 1759309.20 |
| 14 | 65ROH | Varun Beverages Ltd | 100/1 | 1020302.00 | 183654.36 | 0.00 | 1203956.36 |
| 15 | 67ROH | Anek Prayog PVt LTd | 119 | 4051.00 | 729.18 | 0.00 | 4780.18 |
| 16 | 87ROH | Spectrum Pharma Ltd | 52 | 172451.00 | 31041.18 | 0.00 | 203492.18 |
| 17 | 93ROH | Vidhi Dye Stuff Mfg Ltd | 68 | 888517.00 | 159933.06 | 0.00 | 1048450.06 |
| 18 | 95ROH | Archroma India Pvt Ltd | | 652131.00 | 117383.58 | 0.00 | 769514.58 |
| 19 | 99ROH | SPAB Chem. Pvt.Ltd. | 69,70 | 4227.00 | 760.86 | 0.00 | 4987.86 |
| | | Total | | 44064726.92 | 7931650.85 | 9519204.00 | 42477173.77 |
| | | | | (Annexure-I) GST Need to Recoverd | | | 5765682 |
| | | | | Total Balance CAPEX Amount | | | 48242855.77 |

T.C




Deputy Engineer
MIDC Sub - Division Roha

**NGT OA 58/2022 (WZ) Aryavart Foundation Vs RIA CETP Co-Op Society: Next Date: 08/04/2025 : R-4 MIDC:**

1 message

Raghunath Mahabal <mahabal60@gmail.com>

5 March 2025 at 15:13

To: National Green Tribunal Pune <ngt-pune@gov.in>, armishra82@yahoo.in, Surender Singh Hooda <sshoda65@gmail.com>, "sdkadvocate@gmail.com" <sdkadvocate@gmail.com>, RIA CETP <riacetp@gmail.com>, vilas jadhav <vilasjadhav@gmail.com>, chairman@mpcb.gov.in, Aniruddha Kulkarni <aniruddha1488@gmail.com>, "ccb.cpcb@nic.in" <ccb.cpcb@nic.in>, "contact@sudarshan.com" <contact@sudarshan.com>, "Dattatarya Devale, Advocate" <dattadevale252@gmail.com>, rmr@rathoregroup.co, Saket Mone <saket.mone@vidhiipartners.com>, Hydroair Tectonics <hydroenviro@gmail.com>, ms@mpcb.nic

Cc: Raghunath Mahabal <advrbmahabal@gmail.com>, Adv Sachin S Gore 7350212877 <ssgore2005@gmail.com>, "ceo@midcindia.org" <ceo@midcindia.org>

Dear Sir**I am pleased to circulate the Affidavit in the above matter by Respondent No. 4 (MIDC).****Regards**

Dhananjay Chavan 7038383654

= Raghunath Mahabal, Advocate +91-74-0011-6222 [adv.](tel:+917400116222)rbmahabal@gmail.com =

B-202 Chandravijay, Phule Road, Mulund East, Mumbai-400081

| Adv. Sumedha Marathe | Adv. Ashlesha Gondhalekar | Adv. Antima Bazaz New Delhi |

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