

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.93 OF 2023**

BETWEEN:

Taloja Industries Association Applicant

Vs

**Ministry of Environment,
Forests and Climate Change and Ors.** Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 5 (MIDC)

IN COMPLIANCE TO ORDER DATED 11TH NOVEMBER 2024.

I, **Deepak Hanumantrao Bobade, Deputy Engineer** of Maharashtra Industrial Development Corporation, the Respondent No.5 in the above Application having my office at MIDC Sub-Division, CFC Building, Taloja Sub Division, Taluka-Panvel, District - Raigad, Maharashtra 410 206, do hereby state on solemn affirmation on behalf of the Respondent No. 5 as under:



②

- 1 I am the Deputy Engineer of the Respondent No.5 and in this capacity, I am conversant with the facts of the present case and I am competent to swear and affirm this Affidavit on behalf of the Respondent No.5 on the basis of official records that I believe to be true.

- 2 I say that I am filing the present Additional Affidavit on behalf of the Respondent No.5 Maharashtra Industrial Development Corporation (MIDC) pursuant to the directions of the Hon'ble Tribunal in its order dated 11th November, 2024 especially paragraph 6 of the order. Annexed hereto and marked as **EXHIBIT "A"** is a copy of order dated 11th November, 2024.

- 3 At the outset, this Hon'ble Tribunal may note that the present application is filed by Taloja Industries Association whereas an application seeking same reliefs i.e. taking over the operation of CETP is already filed and sub-judice before Hon'ble Supreme Court by Taloja Manufacturers Association by way of Interlocutory Application No.297653 of 2024 in Civil Appeal No. 8229-8231 of 2019 by Taloja Manufacturers Association. Thus, as



the issue is already sub-judice before the Hon'ble Supreme Court it would be prudent for the applicant to approach the Hon'ble Supreme Court where the said issue is already pending.

4 Nevertheless, so far as the limited question posed before the Corporation by the Hon'ble Tribunal on whether the Corporation would be able to bring down the level of BOD 100mg/1 and COD 250mg/1, it is submitted as follows:

4.1 As per MPCB's e-mail shared by the Sub-Regional Officer, Taloja on 30th January 2025 alongwith the CETP Taloja Analysis Results for October 2024, November 2024 and December 2024 with the undersigned, the average inlet and outlet BOD and COD levels are within the permissible limits. I have for the ease of the Tribunal made the following table giving an average of inlet and outlet BOD and COD levels for the three months:-



(4)

Months	INLET COD	OUTLET COD
October	2464	188
November	6822.85	237.6
December	3321.33	282
Months	INLET BOD	OUTLET BOD
October	725	55
November	2092.86	76.6
December	3983.33	113.33

Annexed hereto and marked as **EXHIBIT – "B"**
COLLECTIVELY is a copy of the email dated 30th January
2025 alongwith the CETP Talaja Analysis Result.

- 4.2 I say and submit that as per the MPCB consent, the maximum permissible limits for BOD is 1000 mg/l and COD is 2700 mg/l for the inlet whereas for the outlet the maximum permissible limits for BOD limit is 100 mg/l and 250 mg/l. Thus, it would be suffice to say that the BOD and COD levels of CETP are within the permissible limits. This Hon'ble Tribunal may note that the outlet parameters are dependent on the inlet



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parameters. Thus, for the outlet parameters to be within permissible limits the inlet parameters should also be within permissible limits as the CETP is designed in such a manner.

4.3 Furthermore, it would be pertinent to note that the Corporation has already appointed M/s. KDC Aqua (JV) (Joint Venture of Aquachem Enviro Engineers Pvt. Ltd. with M/s. K. D. Patil & Construction) for Design, Build and Commissioning including Rehabilitation, Upgradation and Expansion from 22.5 MLD to 27.5 MLD on DB basis with 5 years Operation and Maintenance after commissioning of Taloja CETP, out of which the work of upgradation and expansion is over and successful commissioning took place on 20th August 2021. Now the operation and maintenance of CETP is ongoing from 20th August 2021 till 19th August 2026. For this, the Corporation has spent from its own pocket approximately Rs.73.64 crores. However, the 25% of the aforesaid contribution has to come from industries which has not been accrued in totality from the member industries of the Applicant.



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4.4 Moreover, the Corporation has appointed expertise agency for annual maintenance of effluent carrying pipeline and chambers. The agency is doing the work round the clock.

5 I say that MIDC time and again is taking effective steps and all plausible efforts for maintaining the CETP through the contractor as well as the collection and disposal lines by taking external assistance of contractors.

6 MIDC was directed to take over the reins of the CETP and the legacy problem caused by the earlier organization pursuant to the directions of the MPCB issued on 20th March 2017 under Section 33A of the Water (Prevention and Control of Pollution) Act,1974. Hence, it is humbly submitted that the MPCB may decide the request of the Applicant considering the aforesaid.



7 In view of the above circumstances, this Hon'ble Tribunal may pass appropriate orders and dispose of the present Application.

Solemnly affirmed at Mumbai)

On this 10th day of February 2025)

10 FEB 2025

[Handwritten Signature]

Deputy Engineer
M.I.D.C., Taleja Sub Division
TALOJA,

Deponent

Before me

BEFORE ME

A. R. SURVE
ADVOCATE & NOTARY
GOVT OF INDIA
REG. No 16353

Little & Co.

[Handwritten Signature]

Partner

Advocates for the Respondent No.5

Seen Original

AN / Aadhar / Electoral
Card - Driving License
Card - Passport / POA
Bearing No. 661078

Dated. 10 FEB 2025

For Verification *[Signature]*



NOTED & REGISTERED
Reg. No. 1 / 913
Page No. 40
Date 10 FEB 2025



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Exhibit "A"

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Item No.5

(Pune Bench)

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

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No.93/2023(WZ)

Taloja Industries Association

.....Applicant

Versus

MoEF&CC & Ors.

....Respondents

Date of hearing: 11.11.2024

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

Applicant : Mr. Saurabh Kulkarni, Advocate
Respondents : Mr. Pushkal Mishra, Advocate for R-1/MoEF&CC
Mr. Aniruddha Kulkarni, Advocate for R-2/Env. Deptt.
Mr. Rahul Garg, Advocate for R-3/CPCB
Ms. Manasi Joshi, Advocate for R-4/MPCB
Ms. Shyamali Gadre, Advocate for R-5/MIDC
Mr. Yatin M. Malvankar, Advocate for R-6/Panvel M.C.
Mr. Manoj Wad, Advocate along-with
Mr. Pankaj Singh Pardeshi, Mr. Kapil Agarwal, Advocates
representing J.S. Wad & Co. for R-7/CIDCO

ORDER

1. From the side of applicant, learned counsel Mr. Saurabh Kulkarni has appeared before us, who has drawn our attention to the reply affidavit dated 19.03.2024, wherein it is submitted that Taloja CETP was renewed Consent to Operate on 11/11/2019, where-in, in Schedule- I, it is mentioned that "in case of SSI unit, BOD of maximum of 1000 mg/l and COD of maximum 2700 mg/l will be allowed". These parameters would be applicable only when the Taloja CETP achieves prescribed consents standards for disposal. Then only, the existing disposal standards of BOD 100mg/l and COD 250mg/l will be relaxed. It is also



(9)

submitted that the Consent to Operate granted to Taloja CETP has expired on 31/12/2023 and thereafter, renewal is in the process.

2. Thereafter, learned counsel for applicant has taken us to the earlier reply affidavit dated 10.01.2024 filed by the respondent No.4- MPCB, wherein it is made clear that the MPCB has constituted a Joint Committee consisting of seven members, as per the direction of the Tribunal, for improvement of the performance of Taloja CETP, details of which are given in para no.4 of the said affidavit, which, as per this affidavit, has held till now only two meetings. In the same affidavit, in para no.6 in tabular form, details of the meeting, held on 17.08.2023, have been given. Having drawn our attention to this, it is submitted by him that the Minutes of the Meeting have not been placed on record before this Tribunal. But for the said minutes being brought on record, it cannot be identified as to what steps have been taken by the MIDC as well as the MPCB. Therefore, it is prayed that a direction may be issued to the MPCB to place before us all the Minutes of the Meeting held till now. Therefore, we direct the respondent No.4- MPCB to submit an affidavit stating therein the number of meetings held till now and steps taken therein along-with the Minutes of the Meeting, within two weeks.

3. From the side of respondent No.5-MIDC, reply affidavit dated 18.09.2023 has been filed, wherein, in para no.21, reference is made of the meeting dated 10.03.2023, wherein following decision has been taken:-

- " a. I say that the Corporation after the meeting dated 10th March 2023 started taking effective steps for compliance of the decision and issued a "**Work Order**" dated 23rd May 2023 to one M/s. MEPL-GYAN(JV) for "replacing the existing disposal line situate in mangroves and extension of disposal line by 3.30km in Waghivali Creek" for a tune of Rs.94,07,51,732.58/- (Rupees Ninety Four Crores Seven



Lakhs Fifty One thousand Seven Hundred and Thirty Two) only for a term of 36 months including monsoon beginning from 23rd May 2023 till 22nd May 2026. I say that after the existence of the said work order the contractor/agency has started the bathymetry survey which was carried out and 630 mm OD HDPE pipeline of length 3.70km out of 7.44km were procured at the site. Annexed hereto and marked as Exhibit "B" is copy of Work Order dated 23rd May 2023. Also time to time MIDC has replaced the effluent collection and disposal system by HDPE pipeline. The cost of this remodeling of pipeline amounting to 70 Cr (approx..) is spent by MIDC alone.

- b. I say that the as per decision 'b' of the order dated 1st August 2023 i.e The MIDC shall submit Time Bound Action Plan towards installation of SCADA system and MIDC shall monitor all industrial effluent generating member industries through SCADA I say that the MIDC has processed the plan towards installation of SCADA system and the Respondent No.5 is waiting for the Administrative Approval from the higher authorities of the Respondent No. 5 of Rs. 18,000,00/- on the same. I say that after receipt of such approval the installation of SCADA system will be implemented upon issuance of tender which shall require 3 months. I say that upon successful identification of a bidder/tenderer the tender shall be for a period of 12 months for an estimated cost of Rs. 18,00,000/-.
- c. I say the Respondent No.5 (MIDC) is relying upon 10th Review Meeting dated 30th April 2021 constituted as per the order dated 17th August 2021 passed by the Hon'ble NGT, New Delhi in OA NO. 125 of 2018 filed by one Arvind Mhatre. I say that as per compliance a three-member monitoring Committee was constituted to execute the various orders of this Hon'ble Tribunal.
- d. I say and submit that the 10th Review Meeting of Taloja Monitoring Committee was held on 30th April 2021 and was attended by all the Members and Stakeholders i.e. Maharashtra Pollution Control Board (MPCB), Taloja CETP Co-Operative Society Ltd. (Taloja CETP), Taloja MIDC, Taloja Manufacturers Association (TMA), Taloja Industries Association (TIA), Panvel Municipal Corporation, City and Industrial Development Corporation Ltd. (CIDCO) and Ors.
- e. I say that the Hon'ble Chairman of the Committee enquired with the answering Respondent No,5 (MIDC) about the status of extension of treated effluent disposal pipeline by 3.3 km into deep sea as per recommendation of NIO.
- f. I say that Respondent No.5 informed to the Hon'ble Chairman that the Administrative Approval and proposal for this



(11)

aforementioned work is accorded by the Competent Authority of MIDC and the said work will cost to Rs. 90.92 crores and Rs. 104.56 crores and the Corporation vide Order No. CEO/AA/4579 of 2020 dated 17/06/2020 has appointed a consultant for obtaining permission from MoEF & CC for the said work. I say that the officials of the MIDC informed the Hon'ble Chairman that consultant has already started the work and has completed the EIA/Rapid EIA and also CRZ mapping with IRS, Anna University, Chennai. I say that officials of the MIDC further informed to the Hon'ble Chairman that the application is submitted to MCZMA for their recommendations on 25th November 2020 and the same was kept before the committee in the 152nd Meeting of MCZMA dated 16th February 2021. The MCZMA has recommended the proposal to MOEF & CC, New Delhi. Accordingly, the application is further submitted to MoEF & CC on 16th April 2021 for getting the CRZ clearance. The proposal got CRZ permission from MOEF & CC on 4th August 2021. Annexed hereto and marked as **Exhibit- "C"** is the copy of the MOEF&CC permission dated 4th August 2021. I say that the Respondent No. 5 was also asked to obtain NOC permission from Maharashtra Maritime Board. Accordingly, an application was made on 17th November 2022. I say that after follow-up the Maharashtra Maritime Board issued their NOC on 31st August 2023. Annexed hereto and marked as **Exhibit- "D"** is the copy of the NOC of Maharashtra Maritime Board received on 31st August 2023. Thus, the work of extension of effluent disposal line has started and shall be completed by 22nd May 2026."

4. Regarding the above-mentioned directions, in para no.21 of this affidavit, it is submitted that the MIDC has taken effective steps for compliance of the said decision and issued a "Work Order" dated 23rd May, 2023 to one M/s. MEPL-GYAN(JV) for "replacing the existing disposal line situate in mangroves and extension of disposal line by 3.30km in Waghivali Creek". Also time to time, MIDC has replaced the effluent collection and disposal system by HDPE pipeline.

5. With respect to the direction at point no.(b), it is submitted by the respondent No.5-MIDC that it has processed the Plan towards installation of SCADA system and the Respondent No.5 is waiting for the Administrative Approval from the higher authorities of Rs. 18,000,00/-.



Orally, it is submitted by the learned counsel for respondent No.5 that this system has been put in place by now.

6. With respect to decision taken at point no.(d), it is submitted that the rehabilitation and upgradation work of CETP was completed on 20/08/2021. In this project, MIDC upgraded and expanded the CETP from 22.5 MLD to 27.5 MLD for standard MPCB norms and that the CETP is now performing well and about 90% reduction is achieved in inlet COD load. We are of the view that this affidavit does not indicate the timeline, within which the MIDC would be able to bring down the parameters of treated effluent to the level of BOD 100mg/l and COD 250mg/l because thereafter only, it is stated by the MPCB that they would be considering the relaxation of these norms. We, therefore, want the respondent No.5- MIDC to bring it on record on an affidavit as to whether they would be able to bring down the level of BOD 100mg/l and COD 250mg/l, as mentioned by the MPCB in their affidavit and if yes, within how much time (timeline should be prescribed)?

7. We have received an e-mail dated 11.11.2024 from the side of respondent No.4-MPCB, in which several figures are given. But it is difficult for us to decode them unless it is supported with an explanatory affidavit. Therefore, we direct that the same be filed within a period of two weeks and a copy of the same be also served upon all other parties.

8. Learned counsel for applicant submits before us that applicant is ready to take over the operation of CETP in case the MIDC is not able to bring down the level of BOD and COD, as is stated by the learned counsel for respondent No.4- MPCB. We direct that applicant may submit timeline also in its affidavit and the Action Plan as to how they propose to bring the same under control.



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Put up this matter for final hearing on 12.02.2025

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

November 11, 2024
Original Application No.93/2023(WZ)
P.Kr



G Pal

From: DE Taloja <detaloja@midcindia.org>
Sent: 31 January 2025 13:16
To: G Pal
Subject: Fw: Original Application No.70/2023 (WZ) Order & CETP taloja analysis results from July-2024 to Dec-2024.
Attachments: 173288097213917189216749aa4c4d532.pdf; CETP taloja analysis result July-2024 to Dec-2024.xlsx

From: SRO Taloja <srotaloja@mpcb.gov.in>
Sent: Thursday, January 30, 2025 3:21:24 PM
To: DE Taloja <detaloja@midcindia.org>
Subject: Original Application No.70/2023 (WZ) Order & CETP taloja analysis results from July-2024 to Dec-2024.

Sir,
Please find attached herewith Original Application No.70/2023 (WZ) Order & CETP taloja analysis results from July-2024 to Dec-2024.

Regards,

Sub-Regional Officer-Taloja
Maharashtra Pollution Control Board



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Parameter	Standards	29.07.2024	Average
		Inlet	
pH	6.0 to 9.0	6.3	#REF!
BOD	30 mg/l	130	#REF!
COD	250 mg/l	356	#REF!
SS	100 mg/l	40	#REF!
O & G	10 mg/l	BDL	#REF!
TDS	2100 mg/l	1090	#REF!

Parameter	Standards	20.08.2024	21.08.2024	22.08.2024	23.08.2024	26.08.2024	29.08.2024	30.08.2024	Average
		Inlet	Inlet	Inlet	Inlet	Inlet	Inlet	Inlet	
pH	6.0 to 9.0	7.5	7.6	8.2	7.1	6.4	6.2	NA	7.633333333
BOD	30 mg/l	725	600	875	1850	700	3800	ND	1108.333333
COD	250 mg/l	2400	1904	2784	6400	2320	17280	ND	3696
SS	100 mg/l	130	66	106	88	216	NA	NA	86.66666667
O & G	10 mg/l	9.8	8.2		22.6	11.8	18	1214	15.4
TDS	2100 mg/l	5072	4930	4680	4954	3486	3378	2574	4854.666667

Parameter	Standards	10.09.2024	23.09.2024	Average
		Inlet	Inlet	
pH	6.0 to 9.0	8	7.8	8
BOD	30 mg/l	675	625	675
COD	250 mg/l	2304	2096	2304
SS	100 mg/l	182	192	182
O & G	10 mg/l	13	12.6	13
TDS	2100 mg/l	3223	3510	3223

Parameter	Standards	14.10.2024	28.10.2024	28.10.2025	28.10.2024	28.10.2024	28.10.2024	Average
		Inlet	Inlet	Inlet	Inlet	Inlet	Inlet	
							10.00PM	
pH	6.0 to 9.0	6.9	7.4	5.9	7.4	7.5	7.5	6.9
BOD	1000 mg/l	725		1100				725
COD	2700 mg/l	2464	3040	3400	3120	5120	3120	2464
SS	100 mg/l	140	300	298	520	750	395	140
O & G	20 mg/l	17.2	15.8	18.6	18.2	22.2	16.8	17.2
TDS	2100 mg/l	3170	2980	3180	2640	4070	2880	3170

Parameter	Standards	06.11.2024	11.11.2024	11.11.2024	11.11.2024	18.11.2024	19.11.2024	22.11.2024	Average
		Inlet	Inlet	Inlet	Inlet	Inlet	Inlet	Inlet	
			12:30 AM	6:30 AM	10:30 AM	10:00 AM	3:50 PM	11:15 AM	
pH	6.0 to 9.0	6.9	7.3	7.3	6.7	6.6	6.4	6.6	6.828571429
BOD	1000 mg/l	2650	1950	1550	1250	1550	3100	2600	2092.857143
COD	2700 mg/l	8800	6560	5360	4120	4840	9680	8400	6822.857143
SS	100 mg/l	330	836	520	505	242	344	490	466.7142857
O & G	20 mg/l	20.2	15.8	14.8	15.2	22.2	32.2	26.8	21.02857143
TDS	2100 mg/l	3590	4240	3340	4520	4320	5090	5970	4438.571429

Parameter	Standards	02.12.2024	09.12.2024	12.12.2024	18.12.2024	23.12.2024	26.12.2024	Average
		Inlet	Inlet	Inlet	Inlet	Inlet	Inlet	



pH	6.0 to 9.0	6.3	6.2	7.7	7.5	7.2	6.2	6.85
BOD	1000 mg/l	5750	8500	2050	1650	1050	4900	3983.3333
COD	2700 mg/l	19040	29600	6840	5200	3408	15840	13321.333
SS	100 mg/l	670	880	440	490	605	1140	704.16667
O & G	20 mg/l	40.6	2.8	35	28	12.8	12.6	21.966667
TDS	2100 mg/l	6140	6260	4740	4880	4930	7860	5801.6667

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