

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,****WESTERN ZONE BENCH, PUNE, AT PUNE****EXECUTION APPLICATION NO.23 OF 2023 (WZ)****(Earlier Misc. Application No.13 of 2023 (WZ) (LP)****IN****ORIGINAL APPLICATION NO.124 OF 2023 (WZ)**

Vrinda Basu ..... Applicant

Versus

State of Maharashtra &amp; Ors. .... Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9 i.e. MPCB**

I, J. S. Hajare, age about 56 years, Occupation-service, the Regional Officer of the Maharashtra Pollution Control Board at Kolhapur having my office at Maharashtra Pollution Control Board, Udyog Bhavan Building, Near Collectorate Office, Kolhapur - 416 002, do hereby state on solemnly affirmation as under:-

I, am presently working as the Regional Officer, Kolhapur with the Maharashtra Pollution Control Board, I have gone through the Hon'ble National Green Tribunal (WZ) Pune order dated 03.12.2024. I am submitting reply affidavit on behalf of Respondent No. 9 regarding clarification in this regard as to whether the amount of EDC, which has been calculated by them in the present case, whether the same had been taken into consideration earlier by the Principal Bench of this Tribunal in Original Application No.606/2018 or it is an additional amount for the period beyond that. The details of revised Environmental Damage Compensation (EDC) are as below:-



- 1. Environmental Damage Compensation in compliance with order Hon'ble NGT dated 03.12.2024 calculated in Execution Application No.23/2023(WZ), (As per the order dated 17.10.2023, M.A. is converted into E.A) and Misc. Application No.13/2023(WZ)-LP in Original Application No.124/2022(WZ) as earlier O.A. No.563/2022(PB).**

The Board has submitted affidavit dtd. 16.04.2024 before the Hon'ble NGT in compliance to the Order dtd. 31.01.2024 for the submission of the calculation of the Environmental Damage Compensation (EDC) to be levied from Kolhapur Municipal Corporation and Ichalkaranji Municipal Corporation. After that the Hon'ble Tribunal order dtd. 19.04.2024 states in para No.6 that "We had directed the learned counsel for respondent No.9-MPCB to calculate the Environmental Damage Compensation (EDC) to be levied [NPJ] Page 8 of 9 from respondent No.5 – Kolhapur Municipal Corporation and respondent No.6 – Ichalkaranji Municipal Corporation, which has been done by MPCB by filing an affidavit dated 16.04.2024, wherein EDC to be levied from respondent No.5 – Kolhapur Municipal Corporation is proposed to be of Rs.38,40,00,000/- and as regards respondent No.6 – Ichalkaranji Municipal Corporation, the EDC is proposed to be levied to the tune of Rs.21,60,00,000/-"

**A) The EDC calculated and submitted through affidavit dtd. 16.04.2024 (w.e.f. 01.04.2020 to 31.03.2024)**

- i. Applicable Interim measures for phytoremediation/ bioremediation etc in respect of 100% sewage to reduce the pollution load on recipient water bodies -. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (w.e.f. 01.04.2020 to 31.03.2024)**

Sr. No.	Name of Municipal council	Nos. of Month s w.e.f.	Nos of Drain	EDC @Rs. 5 Lakh per month per drain	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)



		01.04. 2020 to 31.03. 2024				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1	Kolhapur Municipal Corporation	48	6	5,00,000/-	30,00 ,000/ -	14,40,00,00 0/-
2	Ichalkaranji Municipal Corporation	48	4	5,00,000/-	20,00 ,000/ -	9,60,00,000 /-

**ii. Applicable Commencement of setting up of STPs – Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (w.e.f. 01.04.2020 to 31.03.2024)**

Sr. No.	Name of Municipal council	Nos. of Months w.e.f. 01.04.2020 to 31.03.2024	No of STPs proposed	EDC @Rs. 5 Lakh per month STP	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1	Kolhapur Municipal Corporation	48	4	5,00,000/-	20,00, 000/-	9,60,00,000 /-
2	Ichalkaranji Municipal Corporation	48	2	5,00,000/-	10,00, 000/-	4,80,00,000 /-

**iii. Applicable Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (w.e.f. 01.04.2021 to 31.03.2024)**

Sr. No.	Name of Municipal council	Nos. of Months w.e.f. 01.04.2021 to 31.03.2024	No of STPs proposed	EDC @ Rs. 10 Lakh per month STP	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1	Kolhapur Municipal Corporation	36	4	10,00,000/-	40,00,000/-	14,40,00,000/-
2	Ichalkaranji Municipal Corporation	36	2	10,00,000/-	20,00,000/-	7,20,00,000/-



**iv. Total EDC calculation and Submitted to Hon'ble NGT vide affidavit dtd. 16.04.2024 (w.e.f. 01.04.2020 & 01.04.2021 to 31.03.2024)**

Sr. No.	Name of Municipal council	As per Point (i)	As per Point (ii)	As per Point (iii)	Total (3 + 4 + 5)
1	2	3	4	5	6
1	Kolhapur Municipal Corporation	14,40,00,000/-	9,60,00,000/-	14,40,00,000/-	<b>34,40,00,000/-</b>
2	Ichalkaranji Municipal Corporation	9,60,00,000/-	4,80,00,000/-	7,20,00,000/-	<b>21,60,00,000/-</b>

1. **I say and submit that pursuant to the Affidavit filed by MPCB**, the respondents Municipal Corporations submitted that the EDC mentioning the amount is already included in the amount of Rs.12000 Crores, which has been directed to be levied by the Tribunal in Original Application No.606/2018 for the same period as well, and therefore, cannot be penalized twice for the same default. Therefore, the Hon'ble NGT in their order **dtd. 03.12.2024 para No. 21 stated that** "Before we proceed further to give our final finding in this matter, we direct the respondent No.9- MPCB to give clarification in this regard as to whether the amount of EDC, which has been calculated by them in the present case, whether the same had been taken into consideration earlier by the Principal Bench of this Tribunal in Original Application No.606/2018 or it is an additional amount for the period beyond that.
2. I say and submit that since the compensation of Rs.12000/- crores was determined by the Tribunal and which was directed to be deposited by the state of Maharashtra was assessed till the date of passing of the order dated 08.09.2022. In case violation continues then additional EDC may be imposed. In view of above the Board will imposed additional EDC as follows :-

**As per the Hon'ble NGT order dated 03.12.2024 the revised EDC calculation;**

As the Hon'ble NGT passed the order in Original Application No.606/2018 on 08.09.2022 the duration for calculations of the EDC is considered after the order.



- i. Applicable Interim measures for phytoremediation/ bioremediation etc in respect of 100% sewage to reduce the pollution load on recipient water bodies -. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States - w.e.f. 08.09.2022 (Considering date of Order regarding OA No. 606/2018)**

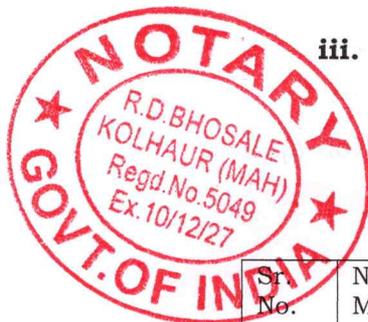
Sr. No.	Name of Municipal council	Nos. of Months w.e.f. 08.09.2022 to 31.03.2024	Nos of Drain	EDC @Rs. 5 Lakh per month per drain	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)
1	2	3	4	5	6	7
1	Kolhapur Municipal Corporation	19	6	5,00,000/-	30,00,000/-	5,70,00,000/-
2	Ichalkaranji Municipal Corporation	19	4	5,00,000/-	20,00,000/-	3,80,00,000/-

- ii. Applicable Commencement of setting up of STPs -. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States w.e.f. 08.09.2022 (Considering date of Order regarding OA No. 606/2018)**

Sr. No.	Name of Municipal council	Nos. of Months w.e.f. 08.09.2022 to 31.03.2024	No of STPs proposed	EDC @Rs. 5 Lakh per month STP	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)
1	2	3	4	5	6	7
1	Kolhapur Municipal Corporation	19	4	5,00,000/-	20,00,000/-	3,80,00,000/-
2	Ichalkaranji Municipal Corporation	19	2	5,00,000/-	10,00,000/-	1,90,00,000/-

- iii. Applicable Commissioning of STPs - 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States w.e.f. 08.09.2022 (Considering date of Order regarding OA No. 606/2018)**

Sr. No.	Name of Municipal council	Nos. of Months w.e.f. 08.09.2022	No of STPs proposed	EDC @ Rs. 10 Lakh per month STP	Total Rs. (4 X 5)	Total compensation n Rs. (6 X 3)
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		to 31.03.2024				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
1	Kolhapur Municipal Corporation	19	4	10,00,000/-	40,00,000/-	7,60,00,000/-
2	Ichalkaranji Municipal Corporation	19	2	10,00,000/-	20,00,000/-	3,80,00,000 /-

**Total Revised calculation of EDC as per order dtd. 03.12.2024  
(08.09.2022 to 31.03.2024 (Considering date of Order regarding  
OA No. 606/2018)**

Sr. No.	Name of Municipal council	As per Point (i)	As per Point (ii)	As per Point (iii)	Total (3 + 4 + 5)
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1	Kolhapur Municipal Corporation	5,70,00,000/-	3,80,00,000/-	7,60,00,000/-	<b>17,10,00,000/-</b>
2	Ichalkaranji Municipal Corporation	3,80,00,000/-	1,90,00,000/-	3,80,00,000/-	<b>9,50,00,000/-</b>

In view of above, it is clarified that the Board will consider additional EDC wef 8.9.2022 since further violation continues by KMC and Ichalkaranji Municipal Corporation since the compensation of Rs.12000/- crores was determined by the Tribunal and which was directed to be deposited by the State of Maharashtra was assessed till the date of passing of the order dated 08.09.2022. The Board will considered to imposed additional EDC for violation continues wef 8.9.2022 till further.

Solemnly affirmed on this 02<sup>nd</sup> day of April 2025 at Kolhapur.

I know the affiant.

For and on behalf of  
Respondent No. 9 i.e. MPCB

ADVOCATE

(J. S. Hajare)  
Regional Officer, MPCB Kolhapur

Notary/Sr./No.- 1078/2025

Solemnly affirm & Singed / L. H. T. I. Before me  
by J. S. Hajare

& State that the Contents of the Affidavit are  
true and correct. Who is Identified by self

- 2 APR 2025

**Adv. R. D. Bhosale**  
Notary Public (Govt. of India)  
Dist. Kolhapur.

