

**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 & Ors. Respondents

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

I, Nikhil N. Gharat, age about 39 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 & have gone through the Hon'ble National Green Tribunal (WZ) Pune order dated 7.04.2025. I am submitting reply to affidavit on behalf of Respondent No. 9 regarding respondent Nos. 11, 12, 13 and 14 who have also defaulted in setting up the STPs. In this regard, this Hon'ble Tribunal has directed MPCB to calculate the amount of EDC against these respondents also so that further order can be passed in respect of them also. The details of Environmental Damage Compensation (EDC) are as follows

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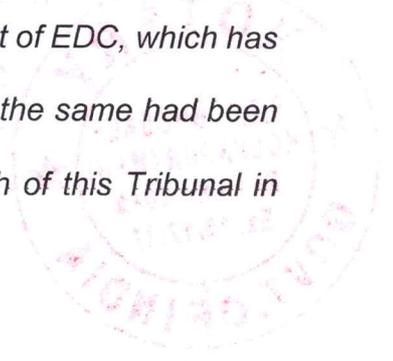
1. Environmental Damage Compensation in compliance with order Hon'ble NGT dated 07.04.2025. Calculated in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018.



The Board has filed affidavit dtd. 16.04.2024 before this Hon'ble Tribunal 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. Subsequently, the Hon'ble Tribunal passed an order dtd. 19.04.2024, wherein it states in para No.6 that "The Respondent No.9-MPCB to calculate the Environmental Damage Compensation (EDC) to be levied 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 has been 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/-"

Thereafter, the Respondents i.e Kolhapur Municipal Corporation and Ichalkaranji Municipal Corporation have raised objections that the EDC 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.

In view of above, this Hon'ble Tribunal has passed an order dtd. 03.12.2024 at para No. 21 & directed " 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



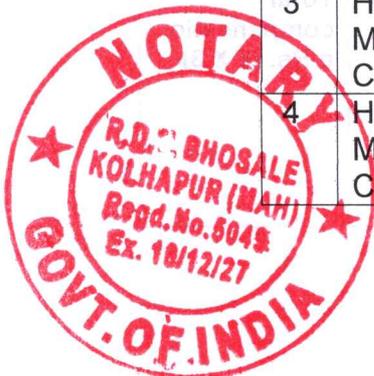
Original Application No.606/2018 or it is an additional amount for the period beyond that." The Hon'ble NGT in its order dtd. 08.09.2022 in Original Application No.606/2018 has levied EDC of Rs. 12000 Crores.

Accordingly, the Respondent No 9 MPCB has filed affidavit for revised EDC calculation before the Hon'ble NGT on 02.04.2025, considering the period from 08.09.2022 to KMC & IMC, hence the same starting date for the calculation of the EDC has been considered for these Municipal Corporations.

A) EDC Applicable for 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) – up to 07.04.2025.

Sr. No	Name of Municipal council	Nos. of Months w.e.f. 08.09.2022 to 07.04.2025	Nos of Drain	Environment compensation @Rs. 5 Lakh per month per drain by concerned local bodies	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)
1	2	3	4	5	6	7
1	Shirol Municipal Council	31	2	5,00,000/-	10,00,000/-	3,10,00,000/-
2	Kurundwad Municipal Council	31	1	5,00,000/-	5,00,000/-	1,55,00,000/-
3	Hupari Municipal Council	31	1	5,00,000/-	5,00,000/-	1,55,00,000/-
4	Hatkanangale Municipal Council	31	1	5,00,000/-	5,00,000/-	1,55,00,000/-



B) EDC Applicable for Commencement of setting up of STPs – 31.03.2020. 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) – up to 07.04.2025.

Sr. No.	Name of Municipal council	Nos. of Months w.e.f. 08.09.2022 to 07.04.2025	No of STPs proposed	Environmental compensation is payable for failure to do so at the rate of Rs. 5 Lakh per month STP by concerned local bodies	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)
1	2	3	4	5	6	7
1	Shirol Municipal Council	31	1	5,00,000/-	5,00,000/-	1,55,00,000/-
2	Kurundwad Municipal Council	31	1	5,00,000/-	5,00,000/-	1,55,00,000/-
3	Hupari Municipal Council	31	1	5,00,000/-	5,00,000/-	1,55,00,000/-
4	Hatkanangale Municipal Council	31	1	5,00,000/-	5,00,000/-	1,55,00,000/-

C) EDC Applicable for 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 (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018)

w.e.f. 08.09.2022 (Considering date of Order regarding OA No. 606/2018) – up to 07.04.2025

Sr. No.	Name of Municipal council	Nos. of Months w.e.f. 08.09.2022 to 07.04.2025	No of STPs proposed	Environmental compensation Rs. 10 Lakh per month STP by concerned local bodies	Total Rs. (4 X 5)	Total compensation Rs. (6 X 3)



1	2	3	4	5	6	7
1	Shirol Municipal Council	31	1	10,00,000/-	10,00,000/-	3,10,00,000/-
2	Kurundwad Municipal Council	31	1	10,00,000/-	10,00,000/-	3,10,00,000/-
3	Hupari Municipal Council	31	1	10,00,000/-	10,00,000/-	3,10,00,000/-
4	Hatkanangale Municipal Council	31	1	10,00,000/-	10,00,000/-	3,10,00,000/-

In view of the above, Local Body wise total Environmental Compensation will be levied as follows –

Sr no	Name of the Local Body	Total EDC will be imposed
1.	Shirol Municipal Council	7,75,00,000/-
2	Kurundwad Municipal Council	6,20,00,000/-
3	Hupari Municipal Council	6,20,00,000/-
4	Hatkanangale Municipal Council	6,20,00,000/-

Solemnly affirmed on this 23th day of June, 2025 at Kolhapur.

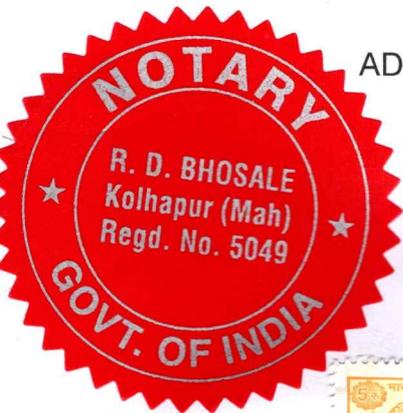
I know the affiant.

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

Nikhil N. Gharat

ADVOCATE

(Nikhil N. Gharat)
Regional Officer, MPCB Kolhapur



Notary/Sr./No.- 1867/2025
Solemnly affirm & Signed / L. H. T. I. Before me
me by Nikhil N. Gharat
& State that the Contents of the Affidavit are
true and correct. Who is identified by Self

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

23 JUN 2025