

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

**EXECUTION APPLICATION NO. 11 OF 2023 (WZ)
IN
ORIGINAL APPLICATION NO. 118/2022 (WZ)**

Mr. Sandeep S. Shete

.... Applicant

Versus

M/s. Gayatri Cold Storage & Ors.

.... Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD i.e. RESPONDENT NO. 3
IN COMPLIANCE OF THE ORDER DATED 9/8/2023
PASSED BY THIS HON'BLE TRIBUNAL.**

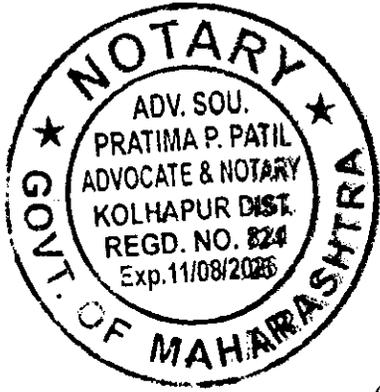
I, Vidyasagar Killedar, aged about 49 years, occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune-II having office at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411 003, do hereby state on solemn affirmation as under :-

- (1) I say and submit that the Applicant has filed the present Execution Application for not complied the Order dated 2/2/2023 passed by this Hon'ble Tribunal in Original Application No.118/2022, wherein, the Hon'ble NGT has directed the Respondent-MPCB to calculate the Environment Compensation from the date on which in May, 2021, the breach

of the terms and conditions of Consent to Establish were committed by the Respondent No.1-Project Proponent till 13/1/2023 within a period of one month. The same shall be deposited by Respondent No.1 with MPCB. The Hon'ble NGT further directed the MPCB to give hearing to Respondent No.1-PP while determining the compensation.

- (2) I say & submit that in compliance to order dated 02/02/2023 in Original Application No. 118/2022 (WZ), Respondent Maharashtra Pollution Control Board has sent e-mail dated 10/03/2023 to M/s. Gayatri Cold Storage and Mr. Sandeep Shete (Applicant/Complainant) to attend Personal Hearing on 17/03/2023. However the Complainant neither attended the personal hearing nor given any reply. During the course of personal hearing, the Environment Compensation was assessed of Rs.48,59,375 (Forty Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only) against Respondent No.1-Project Proponent- M/s. Gayatri Cold Storage for causing damage to the Environment. Copies of screenshot of the e-mail of Personal Hearing dated 10/03/2023 and Minutes of the Personal Hearing dated 17/03/2023 are attached herewith and annexed as **Annexure-I & II respectively.**

- (3) I say & submit that, in pursuance of Personal Hearing conducted on 17/03/2023 the Respondent-Board has issued directions on 01/06/2023 to Respondent No.1 - Project Proponent - M/s. Gayatri Cold Storage and directed to deposit amount of Rs. 48,59,375 (Forty Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only). Copy of



minutes of personal hearing wherein Environmental Compensation has been calculated and Direction dated 01/06/2023 are attached herewith and annexed as an **Annexure-III.**

(4) I say & submit that Respondent No.1 - Project Proponent - M/s. Gayatri Cold Storage has not deposited Environmental Compensation as per Directions issued by the Respondent Board vide letter dated 01/06/2023. Therefore, the Respondent-Board has again issued letter dated 21/09/2023 for submission of Environmental Compensation amount of Rs. 48,59,375 (Forty Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only). A copy of the letter dated 21/09/2023 is attached herewith and annexed as **Annexure-IV.**

Solemnly affirmed on this ...th day of October, 2023 at Pune.

I know the affiant

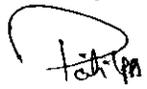
For and on behalf of Maharashtra
Pollution Control Board i.e.
Respondent Nos. 3.

ADVOCATE


(Vidyasagar Killedar)
Sub-Regional Officer,
MPCB Pune -II

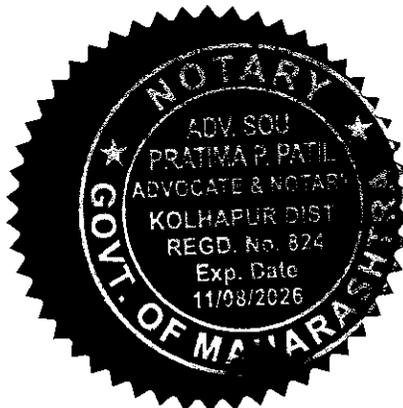
I do solemnly affirm that... Vidyasagar Killedar
is my name & I have signed the affidavit
& put L.H.T.I. & that the contents of my
affidavit are true.


Deponent


Notary



Sou. PRATIMA P. PATIL
Advocate & Notary
C.S.No.2335, Narayan Complex,
Near Shaniwar Post Office, Kolhapur.
Mob. 9422047507



Notary Regi. Sr. No. 1577
10/10/2023
NUMBER OF CORRECTIONS

10/5/23, 5:51 PM

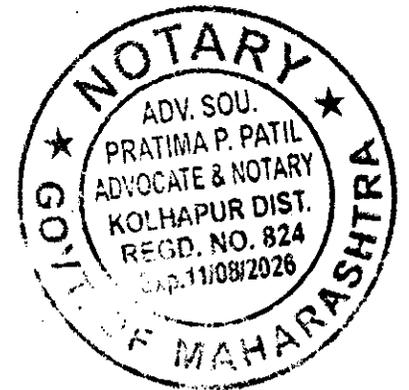
Mail - RO Pune - Outlook

Cc: SRO Pune 2 <sropune2@mpcb.gov.in>; Legal Retainer <legalretainer@mpcb.gov.in>
Subject: To attend personal hearing in compli8ance of Hon'ble NGT Order in OA 118/2022

Please find the attachment

With Regards,

(S. L. Waghmare)
Regional Officer,
M. P. C Board Pune.



Date: / / 20

MON TUE WED THU FRI SAT SUN
□□□□□□□□

Name of Industry :- m/s. Gayatri Cold Storage

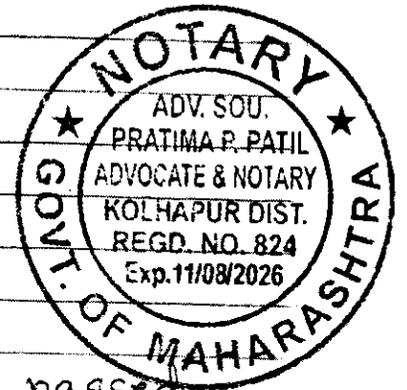
Sr. NO. 105/3, Dhebe Bungalow
At Manjari Bk Tal. Haveli
Dist. Pune

Date of Hearing :- 17.3.2023

Ref :- Compliance of Hon'ble NGT order 2 in the
matter of O.A. NO 118/2022 (WZ)

Representative

1. Vijay Dhere m/s Gayatri



Discussion/ Direction :-

In continuation of the order passed by the Hon'ble NGT on 02.02.2023 in the matter of O.A. NO. 118/2022 (WZ). Personal Hearing was scheduled on 10.3.2023. Representative of m/s Gayatri Cold Storage was attended personal Hearing on 10.3.2023 but Complainant's/NGT applicant Mr. Sandeep Shete was absent and mail was found Bounced. Considering this same personal Hearing was rescheduled on 17.3.2023 by communicating both parties through mail and post correspondence. The ~~last~~ mail of Mr. Shete Sandeep was again bounced and letter was sent to him via R.P.A.D. and same was returned stating as incomplete address.

Mr. Vijay Dhere m/s Gayatri Cold was present for this personal Hearing.

During the course of hearing, the ~~same~~ methodology of EC calculation adopted by the Board considering Hon'ble NGT order 19.2.2019 and CPCB guidelines and same is reproduced as below.

$$\text{Formula} = \text{EC (Rs.)} = \text{PI} \times \text{N} \times \text{R} \times \text{S} \times \text{LF}$$

As per final orders of Hon'ble NGT in OA No. 118/2022 dt. 2.2.2023 the environmental compensation is calculated below from the date on which in May, 2021 the breach of the terms and conditions of CTE were committed by the Respondent No. 1/PP till 13.01.2023 i.e. N is calculated from 1.05.2021 to 13.01.2023 = 622 days.

Since, it is in orange small scale Unit wherein,

PI taken as 50,

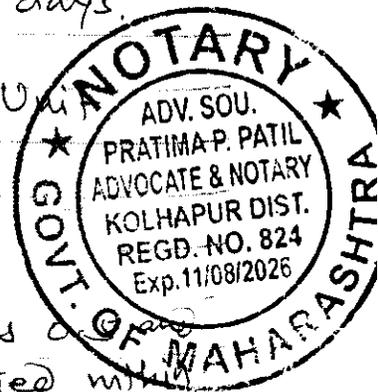
R taken as Rs. 250

S being small scale Unit taken as 0.5

LF is taken as 1.25 as it is located within a distance of 10 kms from boundary of p.p.c.

Therefore, the revised calculation of EC to be levied is as under

1.	PI - Pollution index of industrial sector (consent categorization)	-	50
2.	N - Date of Directions issued by MPCB	-	--
	Date of compliance report submitted by industry	-	--
	No. of Days violation	-	622



Date: / / 20

PAGE NO. 00000000

3. R - A factor in Rupees - 250

4. S - scale of operation

(LSI=1.5, MSI=1, SSI=0.5) - 0.5

5. LF - Location factor

(Population in million

less than 1=1, 1 to less

than 5 = 1.25, 5 to less 10 = 1.5,

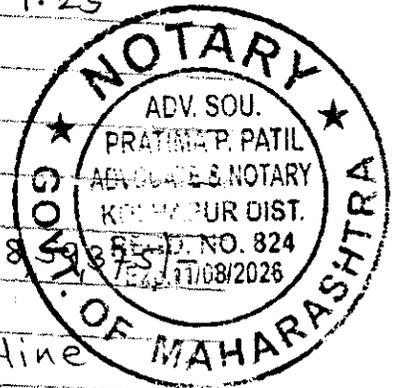
10 and above = 2

- 1.25

EC in - $PI \times N \times R \times S \times LF$

Rupees

- 48

Q.
(Rs. Forty Eight Lakh, Fifty Nine Thousand, Three Hundred seventy Five only)

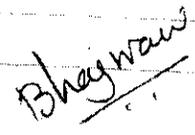
In response to the above, industry representative submitted as below.

1. They have already applied for grant of Consent to operate time to time.
2. They are ~~manufacturing~~ ^{engaged in} essential food products i.e. repacking of milk and cold storage and not using any harmful chemicals.
3. The waste water generated from machinery cleaning, ~~and~~ floor washing. For that provided effluent treatment plant and treated effluent utilised on own farm land of 8 Acres. ~~we~~ we have not discharged pollutants into others land and thereby not damaged environment and no any complaints in this regards.
4. Our main activity is repacking of milk having the capacity of 5.0 Lakh litres per day and same is operated once in a

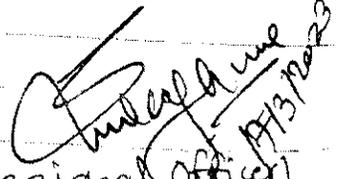
day and washing is also carried out once in a day. Hence, the effluent generation is remains same. In view of above, requested to not to impose the environmental compensation as calculated above as no damage is occurred due to our activity.

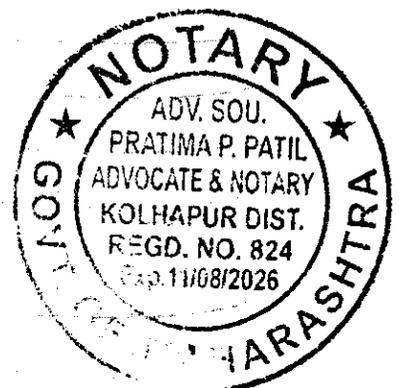

(Vijay Dhore)
17/3
Mps. Gayatri


(Aninash Kadle)
FO-SROP-II


(B. Maknikar)
FO ROP


(Nitin Shinde)
17/03/23
SRD Pune II


(Regional Officer)
Pune
17/3/2023



MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE

Phone No. 020-25811694
 Fax No. 020-25811701
 e-mail : ropune@mpcb.gov.in
 visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
 Wakdewadi,
 Old-Pune Mumbai Road,
 Pune- 411003

MPCB/ROP/EC-Directions/ 2306010001

Date: 01/06/2023

To,
M/s Gayatri Cold Storage,
 Through its partner Shri Vijay Prakash Dhare,
 Sr. No. 105/3, Dhare Bungalow, Manjari Bk,
 Tal. Haveli, Dist. Pune.

Sub : Directions under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31 A of the Air (Prevention & Control of Pollution) Act, 1981 and amendments thereafter for to deposit Environment Compensation.



- Ref :**
- 1) Proposed Directions issued by the M.P.C. Board vide no. MPCB/ROP/PD/2212190004, Dtd. 19/12/2022.
 - 2) Application filed before Hon'ble NGT (WZ), Pune vide O.A. No. 118/2022 (WZ) (Sandeep Shete vs. M/s Gayatri Cold Storage & Ors).
 - 3) Interim Directions issued by the M.P.C. Board vide no. MPCB/ROP/ID/2212280002, Dtd. 28/12/2022.
 - 4) Hon'ble NGT (WZ), Pune has passed order in O.A. No. 118/2022 on 03/01/2023.
 - 5) Visit carried out by the M.P.C. Board Official on 4/01/2023.
 - 6) Hon'ble NGT (WZ), Pune has passed order in O.A. No. 118/2022 on 02/02/2023
 - 7) Office Note submitted by Sub Regional Officer Pune- II vide no. MPCB-ON-2696 on 02/03/2023.
 - 8) Personal hearing extended on 17/03/2023 as per Hon'ble NGT order Dtd. 02/02/2023
 - 9) Approval for issuance of environment compensation directions received from Board's Competent Authority vide no. MPCB-ON-2696 on 31/05/2023.

AND WHEREAS the M.P.C. Board issued Proposed Direction vide Ref. No. (1) against your unit on 19/12/2022 and Interim Direction vide Ref. No. (3) against your unit on 28/12/2022.

AND WHEREAS Shri. Sandeep Shete filed an original application bearing no. 118/2022 (WZ) against you before Hon'ble NGT, Western Zone Bench, Pune.

AND WHEREAS M.P.C. Board filed reply-affidavit before Hon'ble NGT in OA No. , 118/2022 (WZ) in compliance of the Order passed on 3/1/2023.

..2..

AND WHEREAS Hon'ble NGT vide order dated 2/2/2023 directed MPCB to calculate the environmental compensation from the date 01/05/2021 to 13/01/2023 against you for breach of terms and conditions of the Consent and thus causing damage to environment after opportunity of personal hearing along with the applicant.

AND WHEREAS M.P.C. Board has given an opportunity of personal hearing on 17/03/2023 to you along with the complainant. However, complainant was not attended the same. During course of personal hearing, assessed Environment Compensation of Rs. 48,59,375/- (Rs. Forty Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only) against you for causing damage to environment and same is also appraise to you during the course of hearing.

NOW THEREFORE in compliance of the Order passed by Hon'ble NGT on 2/2/2023 the environment Compensation of Rs. 48,59,375/- (Rs. Forty Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only) has been assessed against you towards the damages already caused to environment and recovery of environmental compensation as per 'Polluters Pay' principal.

In view of the above-mentioned violations, you are hereby directed to deposit the environmental compensation of Rs. 48,59,375/- (Rs. Forty Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only) in the name of Maharashtra Pollution Control Board, Mumbai within period of 07 days from the receipt of these directions, failing which, the M.P.C. Board will have no option than to initiate further appropriate legal action against you, which please note.

This is issued with the approval of the Board's competent Authority.

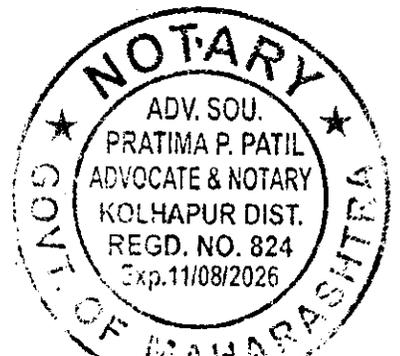
For and on behalf of the
Maharashtra Pollution Control Board


Regional Officer, Pune.

Copy submitted to:

- 1) Hon'ble Member Secretary, MPCB, Mumbai- for favour of information.
- 2) Joint Director (APC) M. P. C. Board, Sion, Mumbai.
- 3) Law Officer (P& L Div.), M. P. C. Board, Sion, Mumbai

Copy: Sub-Regional Officer, Pune-II- serve the copy to concerned and submit the compliance.



**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

Phone No. 020-25811694
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in
visit us : www.mpcb.gov.in



"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/ 230921-PTS-0167

Date: 21/09/2023

To,
M/s. Gayatri Cold Storage,
Through its partner Shri Vijay Prakash Dhere,
Sr. No. 105/3, Dhere Bungalow, Manjari (Bk),
Tal. Haveli, Dist. Pune

Sub: Submission of environmental compensation of Rs. 48,59,375/- (Rs. Forty Eight Lakhs Fifty Nine Thousand three Hundred and Seventy Five Only) reg.

Ref: 1) Hon'ble NGT (WZ), Pune has passed order in O.A. No. 118/2022 on 02/02/2023
2) Directions issued by the Board vide no. MPCB/ROP/EC-Directions /2306010001, Dtd. 01/06/2023

This office issued Directions under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under section 31A of the Air (Prevention & Control of Pollution) Act, 1981 vide above referred letter at sr. no. (2) and you were directed to deposit / submit the Environmental Compensation of Rs. 48,59,375/- (Rs. Forty-Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only) to this office. From the record of this office it is noted that, till date you have not deposited Environmental Compensation.

In view of the above you are hereby once again directed to deposit/submit the Environmental Compensation of Rs. 48,59,375/- (Rs. Forty Eight Lakhs Fifty Nine Thousand Three Hundred and Seventy Five Only) to this office immediately.

For and on behalf of
Maharashtra Pollution Control Board

[Signature]
Regional Officer, Pune

Copy submitted for favor of information to:-

1. The Member Secretary, MPCB, Mumbai.
2. Joint Director (APC), MPCB, Mumbai.
3. Law Officer (P & L Div), MPCB, Mumbai.

Copy to :

- Sub Regional Officer, Pune- II :- He is directed to serve the letter to addressee and submit acknowledgement copy to this office timely & submit further compliance report of same.

