

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 58 OF 2024 (WZ)

ANAND SOMAN & ANR. ...APPLICANTS

VERSUS

STATE OF MAHARASHTRA & ORS. ...RESPONDENTS

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT

NO. 1

I, Mr. Avinash Gajanan Sankhe, aged about 52 years, Deputy Engineer, MIDC Tarapur, authorized by the Principal Secretary (Industries), having address at Office of Deputy Engineer, MIDC Drainage Sub- Division, Tarapur, Maharashtra – 401 501, do hereby solemnly affirm and state as under:

1. That I am conversant with the facts of the present case. I say that I have read the copy of the complaint raised by the Applicant and I am competent to swear and affirm this Affidavit on behalf of the Respondent No. 1 on the basis of official records that I believe to be true. I crave leave of this Hon'ble Court to file additional affidavit as and when required.
2. I say that this Hon'ble Tribunal vide Order dated 20.02.2024 constituted a Joint Committee comprising of



representatives of Principal Secretary, Industry, Energy, Labour and Mining Department, Government of Maharashtra, Central Pollution Control Board, Maharashtra Pollution Control Board, Integrated Regional Office, MOEF and CC, Maharashtra, Collector and District Magistrate, Thane to verify the factual position and suggest appropriate remedial action.

3. In furtherance of the said directions of this Hon'ble Tribunal the Joint Committee visited the site and interacted with the villagers and has submitted the Report dated September, 2024. I say that there are various recommendations in the Joint Committee Report related with MIDC, TEPS - CETP & Zilla Parishad Authorities. In these circumstances, the MIDC was called upon to respond to the said recommendations of the Joint Committee. Accordingly, MIDC has submitted its response / compliances qua the various recommendations more particularly detailed in Paragraph 4 of the Joint Committee Report. The said response of the MIDC is detailed herein after:

**MIDC RESPONSE / COMPLIANCES TO
RECOMMENDATIONS IN PARAGRAPH 4 OF
THE JOINT COMMITTEE REPORT IN
SERIATIM:**



3.1) Recommendation 4.1

Since the ground water at Pasthal Village is contaminated MIDC and District Administration shall prohibit the use of contaminated ground water for drinking purpose as suggested by the previous committee appointed in OA 64/2016. MIDC and District Administration shall continue and ensure supply of sufficient quantity of drinking water to Pasthal village. The demand of Pasthal villages to supply of drinking water free of cost may be decided by the MIDC and District Administration.

Response of MIDC

MIDC is supplying drinking water to the Village Pasthal as well as nearby other 15 villages at concessional rate of Rs 3.00 per 1000 liters. In particular, for Pasthal village, MIDC has given three water connections having size of 80 mm diameter and two water connections of 100 mm diameter.

MIDC is supplying 19,00,000 liters of water per day for an approx population of 21000 people. Furthermore, the village has been very irregular in paying water bill resulting in huge arrears of Rs.14,22,79,541/- (Rupees Fourteen Crores Twenty-Two Lakhs Seventy Nine Thousand Five Hundred Forty One Only). The water



charges are not being paid by other villages, as well. The arrears on account of domestic water supply are going up, day by day and as on October, 2024 the arrears have been to the tune of Rs 102,39,00,000/-. In spite of such massive arrears, considering social responsibility, MIDC is providing uninterrupted water supply to these villages.

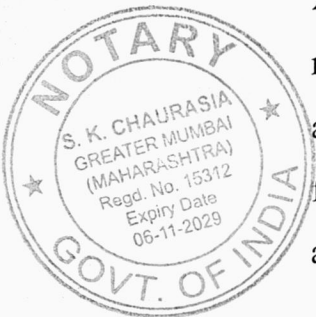
3.2) Recommendation 4.2

MIDC shall complete the work of laying leftover of storm water drainage network in MIDC area on priority basis so as to avoid accumulation of storm water in low lying area.

Response of MIDC

I say that MIDC has already started work on storm water built up gutters network. The work of laying of built-up gutters in E zone is in progress under Agreement No. B1/2 of 2023-24 amounting to Rs.5,50,07,700/-. Construction of another 28.00 Km gutter and 17.00 box culverts is in progress under Agreement No. B 2//95 for 2023-24 amounting to Rs 83,31,59,219/-. During monsoon to avoid storm water accumulation in low lying areas, every year, MIDC deploys experienced contractors for the said work to avoid water logging in the prone areas.

3.3) Recommendation 4.3



The TEPS-CETP gets the treatment cost directly from the water consumption bills collected through MIDC. Resulting that, every industry pays the treatment charges to CETP, hence the CETP must treat the entire generated effluent in the area so as to avoid any untreated effluent finding its way into natural nalla / sea.

Response of MIDC

MIDC has already communicated the recommendations of the Joint Committee to CETP society for necessary compliance.

3.4) Recommendation 4.4

MIDC shall complete the work of inter connection between Pree Stressed Concrete (PSC) pipeline and newly laid HDPE pipeline for scientific disposal of treated effluent to designated point / Marinee Outfall suggested by NIO on war footing basis. Proper operation & maintenance of effluent carrying system shall be maintained by MIDC.



Response of MIDC

The work of laying and joining onshore 1200 mm diameter HDPE line is completed on 18/09/2024, by constructing BPT (Break Pressure Tank) to create additional head for disposing off effluent by gravity in

deep sea 7.1 km at designated disposal point suggested by National Institute of Oceanography (NIO), in Arabian sea @ geographical coordinates 19 48'21.59" N and 72 37'25.35" E near bank of Navapur village.

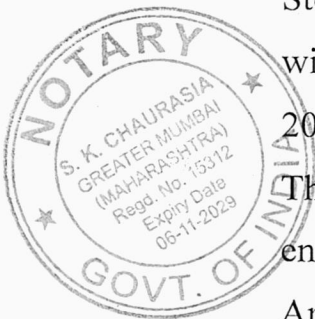
The entire disposal scheme i.e 1200 mm diameter 3.4 Km HDPE line onshore and 1000 mm diameter 7.1 Km HDPE line offshore is commissioned and functioning smoothly.

3.5) Recommendation 4.5

As directed by MPCB vide Orders dated 28.11.2023 and 11.12.2023 MIDC & CETP shall ensure transportation of entire effluent through the drainage system only.

Response of MIDC

The effluent generated by industries after primary treatment is collected through effluent collection system. MIDC has replaced entire drainage collection line consisted of materials like Pree Stressed Concrete (PSC), Stone Ware (SW), Reinforce Cement Concrete (RCC) with HDPE line. The entire 60.00 km HDPE line with 2000 manholes has been constructed and is in operation. The drainage collection system is capable of carrying entire effluent generated by industries in the Industrial Area.



3.6) Recommendation 4.6

M/s. Bhageria Industries Ltd shall improve the housekeeping near the hazardous waste yard, shall make arrangements to collect the storm water and explore the removal of color prior to disposal. The colored storm water should not be discharged outside of the factory premises at any given time.

Response of MIDC

MIDC has also instructed M/s. Bageria Industries to take the necessary action in accordance with the recommendations of the Joint Committee Report.

3.7) Recommendation 4.7

The TEPS CETP shall Complete the construction of remining 25 MLD (Second Phase 12.5 x 2 Module) capacity on war footing basis in a time bound manner & commission the same.



Response of MIDC

MIDC has already communicated the recommendations of the Joint Committee to CETP society for necessary action.

3.8) Recommendation 4.8

Desludging of MIDC collection sums and various tank in the old CETP as well as new CETP and Disposal of sludge stored in the CETP premises shall be done in regular intervals by MIDC & TEPS-CETP authority.

Response of MIDC

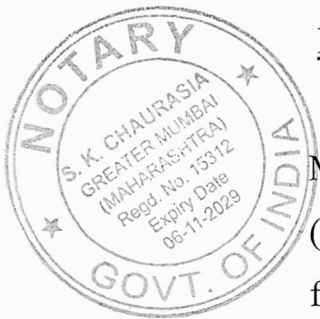
The sludge generated in sump No 1, 2, 3, and 5 is desludged by TEPS- CETP regularly and every year 20,000 MT sludge is transported to the Common Hazardous Waste Treatment Storage & Disposal Facilities (CHWTSDF) site at Taloja for disposing it in proper scientific way.

3.9) Recommendation 4.9

MIDC shall practice effective surveillance with minimal response time for arresting leakage / overflows of Chambers to stop the treated / untreated effluent finding its way into Nalas / MIDC trenches.

Response of MIDC

MIDC has awarded Annual Maintenance Contracts (AMC) for cleaning and removing of the chock ups and for attending leakages, if any on disposal main and collection mains amounting to Rs.93,92,635/- (B2/84 for 2023-24) and Rs. 42,10,956/-(B2/39 for 2023-24) to



ensure timely maintenance round the clock. The AMC agreement is renewed every year by online bidding process.

4. MIDC further submitted that the Hon'ble Tribunal may consider that MPCB is the statutory authority and is in existence to act as a regulator whereas the MIDC functions merely as a facilitator of the industrial area. MIDC has always taken steps to maintain the collection and disposal system/ the CETP pipelines through its third-party contractor and the responsibility for clearance of sludge is that of the Society running the CETP.
5. It would be clear from the aforesaid that the various recommendations by the Joint Committee, have already been acted upon and will be continuously complied with for control of pollution and betterment of industrial area and the surrounding villages and protecting environment.



Handwritten signature of Navdeep Vora in black ink.

**For Navdeep Vora & Associates
Advocates for Respondent No. 1**

Handwritten signature of Respondent No.1 in black ink.

Respondent No.1

Deputy Engineer
MIDC, Drainage Sub-Station
Tarapur

VERIFICATION

I, Mr. Avinash Gajanan Sankhe, aged about 52 years, Deputy Engineer, MIDC Tarapur, authorized by the Principal Secretary (Industries), having address at Office of Deputy Engineer, MIDC Drainage Sub- Division, Tarapur, Maharashtra – 401 501 duly authorized to swear and attest this Affidavit, do hereby state on solemn affirmation, that what is stated in paragraph nos. 1 to 5 are true to my own knowledge based on information derived by me from the official records which I believe to be true.

Solemnly affirmed at Mumbai)

Dated this 12th day of December, 2024)

[Respondent No. 1]

Deputy Engineer
MIDC, Drainage Sub-Divn.
Tarapur

Identified by me

For Navdeep Vora & Associates
Advocates for Respondent No. 1

BEFORE ME

S. K. CHAURASIA
Before me
B.COM., LL.B.
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
158/160, CHAURASIA MANSION,
3RD FLOOR, R. NO. 12/13,
SANT SENA MAHARAJ MARG,
MUMBAI - 400 004



NOTED & REGISTERED
Sr.: 83 833
Date: 12/12/2024
Regd. Book No.: 3
Page No.: 90

12 DEC 2024

