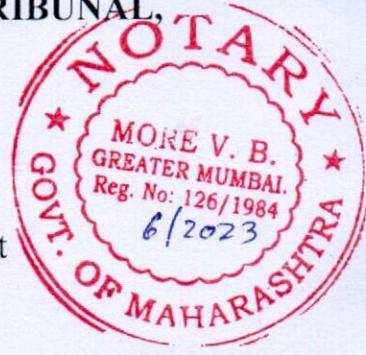


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE
Original Application No.66/2021 (WZ)**



Sarang Yadwadkar

....Applicant

v/s

Union of India & Ors.

..... Respondents

**Affidavit in reply on behalf of Respondent No.2 i.e. Maharashtra
Pollution Control Board**

I, Jitendra B. Sangewar, Age : Adult, Occupation : Service, I/c Assistant Secretary (Technical) of the Maharashtra Pollution Control Board, having my office at Kalpataru Point Bldg., 3rd Floor, Sion Matunga Scheme Road No.8, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under :-

1. I have perused the papers and proceedings of the above matter. I am thus conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply on behalf of Respondent No.2-Maharashtra Pollution Control Board(MPCB).
2. At the outset, the present Original Application is filed by the Applicant regarding non-compliance of the directions dated 5/2/2014 issued by the Central Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 and



the Air (Prevention and Control of Pollution) Act, 1981 to all State Pollution Control Boards, in the matter of pollution control in 17 Categories of highly polluting industries, CETPs and Common Hazardous Waste and Bio-Medical Waste, Incinerators etc.

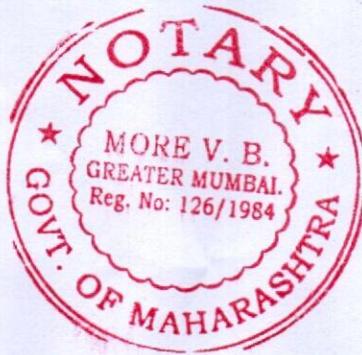
3. I say and submit that in compliance of the directions dated 5/2/2014 issued by the Central Pollution Control Board, the Respondent No.2-MPCB has issued proposed directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981 for installation of Online Continuous Emission or Effluent Monitoring System (OCEMS) to the 17 Categories of highly polluting industries, CETPs and Common Hazardous Waste and Bio-Medical Waste, Incinerators in the State of Maharashtra in the year, 2015. A sample copy of the proposed directions dated 17/4/2015 is enclosed herewith and marked as an **Annexure-'I'**.
4. I say and submit that OCEMS portal is developed by the Respondent No.2-MPCB in the year, 2016. Thereafter, 472 nos. of industries in 17 categories of industries, 26 nos. of Common Effluent Treatment Plants (CETP), 30 nos. of Common Bio-Medical Waste Treatment, Storage and Disposal Facility (CBMWTSDF) and 4 nos. of Common Hazardous Waste Treatment and Disposal Facility (CHWTSDF) are connected to the OCEMS from time to time and accordingly, the Respondent No.2-MPCB is taking necessary action against the defaulting

industries from time to time. However, due to compilation of data of large number of industries in the State of Maharashtra, due to Covid-19 situation and due to some technical problems, the Respondent No.2-MPCB has displayed the OCEMS data in the Public Domain on the MPCB's website in December, 2022.

Solemnly affirmed on this 6th.....day of January, 2023 at Mumbai.

For and on behalf of Maharashtra Pollution Control Board,

(Jitendra B. Sangewar)
Assistant Secretary(Tech.)



Before Me
Vasant B. More
6/1/2023
Vasant B. More
Notary Gr. Mumbai

REGISTER Sr. No 06/2023





MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 4010437 / 4014701 / 4020781
 Fax : 4024068 / 4023516
 Website : <http://mpcb.mah.nic.in>
 E-Mail : ast@mpcb.gov.in



KALPATARU POINT, 3rd Floor,
 Sion-Matunga Scheme Road No.8,
 Opp. Sion Circle, Sion (East),
 Mumbai-400 022.

No. MPCB/AS(T)/TB/B- 1614

Date : 17/04/2015.

To,
 M/s. Zydus Altana Health Care Ltd.,
 Plot No. C-4, TTC, MIDC, Thane-
 Belapur Road, Navi Mumbai

Sub :- Proposed directions under section 33A of Water (Prevention & Control of Pollution) Act, 1974 and 31A of Air (Prevention & Control of Pollution) Act, 1981 for installation of online continuous monitoring system.

Ref :- 1) Directions issued by Central Pollution Control Board u/s 18(1)(b) of Water (P&CP) Act, 1974 & Air (P&CP) Act, 1981 vide letter no. B-29016/04/06/PCI-I/5378 dtd. 05/02/2014 and vide letter no. B-29016/04/06/PCI-I/7212 dtd. 02/03/2015.

2) Proposed directions issued by the Regional Officer, Navi Mumbai

WHEREAS, you have been granted consent to Operate u/s 26 of the Water (P & CP) Act, 1974 and u/s 21 of the Air (P & CP) Act, 1981 to your industrial plant subject to certain terms and conditions which are more precisely defined in consent order. **AND**, it was obligatory on your part to adhere with terms & conditions stipulated by the Board in the consent order.

AND WHEREAS, it was obligatory on your part to provide adequate measures to control pollution from all sources so as to achieve the standards prescribed by the Board in Consent order and not to cause pollution in and around the factory premises. Also, it is obligatory on your part to operate pollution control system so as to achieve consented standards of pollutants to be discharged into the environment

AND WHEREAS, CPCB's has issued directions u/s 18(1)(b) under Water (P&CP) Act, 1974 & Air (P&CP) Act, 1981 to the Board vide letter at Ref. No.(1) above regarding self monitoring compliances to assess discharge quality of treated waste water and air emissions to be achieved by highly polluting 17 category industries, CETPs, CHWTSDFs and BMW incinerators by installing online monitoring system and uploading real time monitoring data to SPCB / CPCB server in time bound manner by 31/03/2015. **AND**, following above, the Regional Officer of the Board has issued proposed directions under section 33A of Water (Prevention & Control of Pollution) Act, 1974 and 31A of Air (Prevention & Control of Pollution) Act, 1981 for installation of online continuous monitoring system within stipulated time period.

AND WHEREAS, CPCB has published and hosted guidelines alongwith prescribed time schedule regarding installation of real time monitoring and compliances to be achieved by highly polluting 17 category industries including CETP, CHWTSDF and BMW incinerators in respect of waste water discharge on official website of CPCB/ MPCB

AND WHEREAS, in spite of the proposed directions issued by the Regional Office, you have failed to provide online monitoring system within stipulated time period.

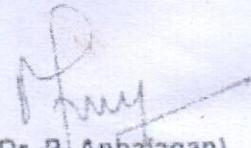
2/....

AND WHEREAS, CPCB vide above referred letter dtd. 02/03/2015 has extended time period for installation of online continuous monitoring equipment and to upload real time monitoring data to MPCB / CPCB server in time bound manner i.e. latest by 30/06/2015. **AND**, it has been also instructed to ensure regular operation and maintenance of proposed online monitoring system with temper proof mechanism having facilities for online calibration.

THEREFORE, in the exercise of the powers conferred upon the undersigned by the Board u/s 33A of Water (P&CP) Act, 1974 & u/s 31A of Air (P&CP) Act 1981, I, Dr. P. Anbalagan, Member Secretary of the Board hereby issue following directions for immediate compliance:

- 1) You shall install online effluent quality monitoring systems for the parameters **Flow, pH, BOD, COD, TSS, Cr & As** by June 30, 2015;
- 2) You shall connect and upload the online emission and effluent monitoring data at MPCB and CPCB server in a time bound manner by June 30, 2015;
- 3) You shall ensure regular maintenance and operation of the online system with tamper proof mechanism having facilities for online calibration.
- 4) You shall submit bank guarantee of 100% of the cost of online monitoring systems (emission and effluent whichever is applicable) for ensuring timely installation of online monitoring systems by June 30, 2015.

Failure to comply with the above directions may attracts revocation of the Consent letter followed by initiation of suitable legal action against you including forfeiture of bank guarantees, etc., which may please be noted. If, you have already complied then please ignore the above directions.


(Dr. P. Anbalagan)
Member Secretary, I.A.S.

Copy to:

Regional Officer, M.P.C. Board, Navi Mumbai -For necessary follow-up action and reporting of compliance on weekly basis to A.S (Tech.) Section.