

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
OA NO 146 OF 2024**

BABASAHEB MAHADEV PATIL

...APPLICANT

VS

SHIKSHAN MAHARSHI DNYANDEO
MOHEKAR AGRO INDUSTRIES LTD AND OTHERS

..RESPONDENT



AFFIDAVIT IN REPLY ON BEHALF OF RESSPONDENT NO. 2 & 3 MPCB

I, Parmeshwar Kamble, being the Sub Regional Officer, Latur of Respondent No. 2, The MAHARASHTRA POLLUTION CONTROL BOARD (MPCB), having my office at Latur do hereby solemnly affirm and state as under:

1. I say that I am the Sub Regional Officer of Respondent No. 2 & 3 the MPCB, and I am authorised to affirm the present reply affidavit on its behalf. I have examined the relevant records available in my office in respect of the above matter and am affirming the present reply affidavit based on the same. Nothing in the present reply affidavit may be deemed to be an admission of any of the contents of the above-captioned appeal. Nothing in the above-captioned application may be deemed to have been admitted for mere want of specific denial.
2. I say that I am filing this reply pursuant to the order of this Hon'ble Tribunal dated 22.7.2024, by which the present respondent was directed to visit/inspect the site in question and submit its inspection report before this Hon'ble Tribunal.
3. I say that, the Board had received complaint from applicant on 21.12.2023 on the ground that Notice under Section 49 of Water (Prevention and Control of Pollution) Act, 1974 & under Section 43 of the Water (Prevention

Y. V. Kamble

BEFORE ME
[Signature]
B. V. BAVALE
ADVOCATE & NOTARY
STATE OF MAHARASHTRA
PUNE



and Control of Pollution) Act, 1981 on behalf of Shri Babasaheb Mahadev Bhosale. The said complaint has been investigated by the officials of the Board on 17.01.2024 and reported as follows: -

- i. The said unit is jaggery unit having consent to operate under orange category granted by the Board vide consent No. RO-AURANGABAD/ CONSENT/ 1911001290 dated 28.11.2019 which is valid upto 31.10.2029. The said industry has provided Effluent Treatment Plant however, during the visit same was not in operation; untreated effluent is being discharged into nearby areas/natural nalla which could lead to further contamination of non-perennial natural pond. Located at approximately @1 KM away from the said unit. I say that as per consent the trade effluent after requisite treatment shall be used on land for gardening only and in no case, the effluent shall find its way outside factory premises.
- ii. The industry has failed to provide proper channeling system to carry out untreated effluent up to ETP.
- iii. The industry has not provided treated effluent holding tank for storage of treated effluent.
- iv. The industry has provided Wet Scrubber as Air Pollution Control System to boiler which was not in operation.

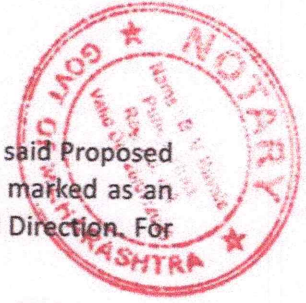
A copy of visit report dated 17.01.2024 is enclosed and marked as an **Annexure I**.

4. I say that, in view of above non-compliance the Board had issued Proposed Direction u/s 33A of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention and Control of Pollution) Act, 1981 vide letter dated 26.01.2024 & called upon as to why consent shall not be refused/revoked and competent authorities shall not be directed to disconnect water/electricity supply of the Industry on the ground

BEFORE ME
17/01/24
B. V. DAVALE
ADVOCATE & NOTARY
STATE OF MAHARASHTRA
PUNE

Y. V. Bhosale

of above noncompliance reported by the SRO, Latur. A copy of said Proposed Direction issued vide letter dated 26.01.2024 is enclosed and marked as an **Annexure II**. The Industry has not replied to the said Proposed Direction. For it further legal action is in process.



5. I say that, the officials of the Board had visited the industry in order to verify compliance of the Proposed Direction issued by the Respondent Board on 11.07.2024 & reported as follows: -



- I. The Secondary treatment system of Effluent Treatment Plant is inadequate.
- II. Operation & maintenance of filters is improper as the media is not changed.
- III. They have not provided dedicated closed pipeline system for transfer of effluent form source to effluent treatment plant.
- IV. They have not provided treated effluent storage tank.
- V. The PP has not provided design details/adequacy report of air pollution control system provided.
- VI. The PP has not submitted reply to Proposed Directions issued by the Board. A copy of said visit report of SRO, Latur dated 11.7.2024 is enclosed and marked as an **Annexure III**.

6. I say that, the officials of the Board had visited the Industry on 16.08.2024 the industry as per the orders issued by the Hon'ble NGT (WZ), Bench Pune dated 22.07.2024 & reported as follows: -

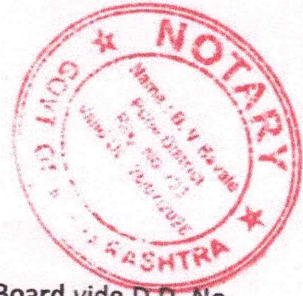
- I. As this is a seasonal unit (Sugarcane is a raw material), manufacturing process was not observed.
- II. They have not provided dedicated closed pipeline system for transfer of effluent from source to effluent treatment plant.
- III. They have not provided treated effluent storage/holding tank.

A copy of said visit report of SRO, Latur dated 16.08.2024 is enclosed and marked as an **Annexure IV**.

7. I say that, in compliance of this Hon'ble Tribunal order dated 05.01.2023, in OA No. 73/2022, Babasaheb Mahadev Patil Vs M/s Shikshan Maharshi Dnyandeo Mohekar Agro Industries Ltd & Ors, the Industry has deposited

BEFORE ME
 B. V. BAVALE
 ADVOCATE & NOTARY
 STATE OF MAHARASHTRA
 PUNE

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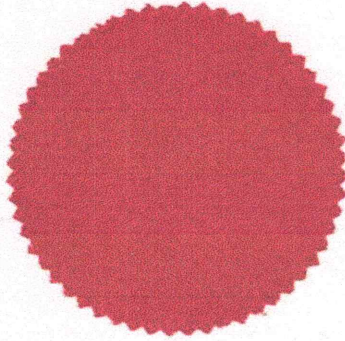
Environmental Damage Cost of Rs. 1262340/- with the Board vide D.D. No. 532155 dated 27.01.2023. I say that order dated 05.01.2023 passed in OA No. 73/2022 (WZ) is annexed to the application at Annexure-'H'.

28 SEP 2024

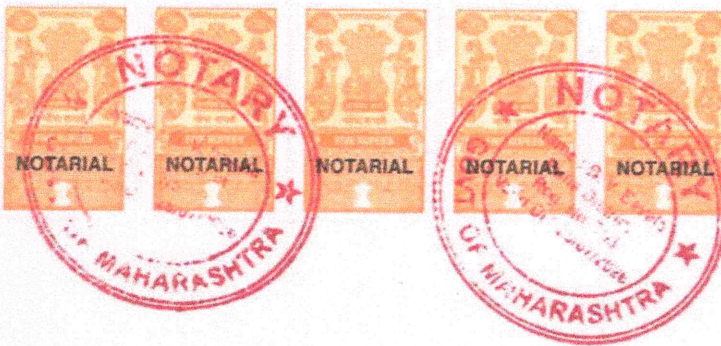
For and on behalf of MPCB

(Handwritten signature)
(Parmeshwar Kamble)

Sub Regional Officer - Latur



BEFORE ME
(Handwritten signature)
B. V. BAVADE
ADVOCATE & NOTARY
STATE OF MAHARASHTRA
PUNE



Noted and Registered
Sr. No. 13601024
Date: 28 SEP 2024

MAHARASHTRA POLLUTION CONTROL BOARD

Website: http://mpcb.gov.in		Sub Regional Office
E-mail: strolatur@mpcb.gov.in		Plot No. P-10
		Latur District Udyog Samuh Building
		MIDC Latur-413531

Visit Report

Date: 17/01/2024

1. Name & Address of the Industry :- Mr. Shikshan Maharshi
 Pyantoo Maheshwar Agro Inds
 Ltd. G.No. 623, 642 Waha.
 :- Dr. Kallam Dist. Dhavashiv.
 Santosh Malake.
2. Industry Representative
3. Contact details :- Phone No.:-
 E-mail :- smdmalake@gmail.com
4. Consent Status :- 01/10/2024. For Jaggery.

Observations:

- During the visit unit is engaged in manufacturing of Jaggery & Jaggery powder.
- They have provided primary, secondary & tertiary treatment to treat trade effluent. ETP not in operation during the visit. Untreated effluent is directly discharged to nearby areas & into the nearest pond.
- They have started the production of molasses for which they have not obtained the prior permission from the M.P.C. Board.

(Santosh L. Chavan)
 Field Officer

(S. S. S.)
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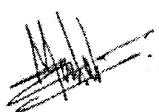
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4. They have taken effective steps towards enhance the protection quality without board's permission.
5. They have also started the installation work for machinery for Khandseer products.
6. They have provided hot scrubber to the bagasse fired boiler which is not in operation.
7. Proper channeling system not provided to carry untreated effluent upto the STP.
8. Treated effluent is being sent to the nearby farmers without any ~~any~~ Agreement betⁿ them!
9. They have not provided treated effluent storage tank.

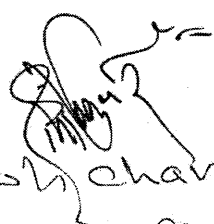
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10. They have stated ~~Boysse~~ -
unscientifically.
11. Noise monitoring carried out
at the working place which is
observed 98 dB.
12. Boiler stack monitoring &
ESP outlet sampling is carried
out in presence of Industry
representative.


(Santosh Madhwar)

Managing Director
Shikshan Maharshi Dnyandeo
Mohekar Agro Industries Ltd. Moha


(Santosh Chavan)
Field officer
MPCB

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 29930004

Visit us at www.mpcb.gov.inE-mail: roaurangabad@mpcb.gov.in "Your Service is our Duty"

Regional Office, Paryavaran
Bhavan, A-4/1, MIDC Area,
Chikalthana, Behind Daynik
Lokpatra, Near Seth Nandlal
Dhoot Hospital, Jalna Road,
Chhatrapati Shambhajnagar-
431 210.

No.MPCB/PDI/240126000/

Date: 26/01/2024.

To,
M/s. Shikshan Maharashi Dnyandeo Mohekar Agro Industries Ltd.,
Gut No. 623,647, a/p. Moha,
Tq. Kallam Dist.Osmanabad.

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and/or under section 31A of Air (Prevention & Control of Pollution) Act, 1981.

- Ref:**
1. Consent granted by the MPC Board ORANGE/LSI/UAN.No.0000082550 vide No. No. RO Aurangabad CONSENT-1911001290 on 28.11.2019, Valid Upto 31.10.2029.
 2. Complaint received from Shri. Babasaheb Mahadev Patil, Chawa Martha Yuva Mahasang regarding Air pollution problem to the Board on 21.12.2023.
 3. Visit of official of the Board to your unit on 17.01.2024.
 4. Legal Action Proposal generated by SRO Latur Dtd. 25.01.2024.

WHEREAS, the Maharashtra Pollution Control Board has granted Consent to Operate u/s 26 of the Water (Prevention and Control of Pollution) Act, 1974 and u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981 on 28.11.2022, which was valid upto 28.02.2026, subject to certain terms and conditions.

AND WHEREAS, it is obligatory on your part to provide adequate pollution control devices and comply with the consent conditions so to achieve the standards prescribed by Board in its consent.

AND WHEREAS, the Board has received a complaint reg. Shri. Babasaheb Mahadev Patil, Chawa Martha Yuva Mahasang regarding Air pollution problem Tal-Kallam, Dist-Osmanabad on 21.12.2023.

AND WHEREAS, in order to, the officials of the Board visited the site in question on

17.01.2024 and observed as follows:-


- i. You have provided Effluent treatment plant however during visit the visit same is not in operation, untreated effluent is being discharged into nearby areas & irrigation dam.
- ii. You have not provided Proper channeling system to carry untreated effluent up to the ETP.
- iii. You have not provided treated effluent holding tank for storage of treated effluent.
- iv. You have provided Wet Scrubber as Air pollution Control system to boiler which was not in operation.
- v. You have installed machinery for expansion of industry without obtaining Consent to establish for expansion from MPC Board.

AND WHEREAS it has been observed that you have failed comply with the conditions stipulated in Consent granted by the Board and thereby discharging effluent into the environment .AND Whereas, discharging air emissions without operating APCS into the environment & thereby causing water & air pollution.

NOW THEREFORE, in view of the above non-compliance, you are hereby directed to show cause as to:

1. Why your consent shall not be refused / revoked?
2. Why your industrial activities shall not be closed down?
3. Why the competent Authorities shall not be directed to disconnect water / electricity supply to your unit ?

You are hereby given an opportunity to respond within 7 days from issuance of these directions, failing which, MPCB will initiate legal action against your unit without giving any further notice in accordance with the provisions of the Water (prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, which please note.


 28/01/24.
 (Sujit Dholam)
 Regional Officer.
 Chhatrapati Sambhajanagar.

Copy submitted for information to: The Member Secretary, MPCB, Mumbai

Copy f.w.cs.to:- 1. Principal Scientific Officer MPCB, Sion, Mumbai.
2. Law Officer (P & L Division), MPCB, Mumbai.

Copy to: The Sub Regional Officer, Latur - He is directed to serve the copy of the direction and take follow up and ensure the compliance of the aforesaid directions. Report Compliance within 15 days period from the date of issue of this direction

MAHARASHTRA POLLUTION CONTROL BOARD

Website: http://mpcb.gov.in E-mail: santosh.chavan@mpcb.gov.in		Sub Regional Office Plot No. P-10 Latur District Udyog Samuh Building MIDC Latur-413531
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Visit Report

Date: 11/07/2024

1. Name & Address of the Industry :-

Shikshan Mahanishi Dyantra
 Mohan Agro Industries Ltd.,
 G.H. 623, 647, Moha. Pa. Kallamb.
 Dist. Dhavashir.

2. Industry Representative :-

Santosh madke.

3. Contact details :-

Phone No. :- 5

E-mail :- smdmagro@gmail.com.

4. Consent Status :-

21/10/2024 for manufacturing of

Observations:

Jaggery.

1. At the time of visit unit was found in operation.
2. The said visit is made with respect to the verification unit to the proposed directions issued by the board of the
3. PP has provided primary, secondary & tertiary treatment system, however, they have not provided adequate treatment for the secondary treatment facility.
4. They have not changed the filter media of the tertiary treatment system

Industry's Representative

(Santosh L. Chavan)

Field Officer


(P. N. J.)

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5. They have already taken effective steps towards the manufacturing of Khandsari, molasses, for their distilleries have not obtained prior permission/consent of the Board.
6. They have installed plant & machinery for the expansion activity without obtaining prior consent of the Board.
7. They have not provided proper gutter system / closed pipeline system to carry untreated effluent upto the ETP.
8. They have not provided the treated effluent storage tank (concreted).
9. PI has not produced the designs & adequacy reports of air pollution control system.
10. They have not submitted reply to the proposed direction issued by the Board.


 11/7/24.
 (Santosh Madake)

Managing Director
 Shikhan Mahabadi Dnyandeo
 Mohakar Agro Industries Ltd. Moha


 (Santosh Chauran)
 P..

MAHARASHTRA POLLUTION CONTROL BOARD

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E-mail: santosh.chavan@mpcb.gov.in		Plot No. P-10
		Latur District Udyog Samuh Building
		MIDC Latur-413531

Visit Report

Date: 16/08/2024

1. Name & Address of the Industry :- Shikshan Mahavishi Ayandee
Maha Keshav Agro Products Pvt.,
G.No. 623, 642 Vill. Maha
Ra. Karlad Bld. Dharashiv.
2. Industry Representative :- Santosh Madhe.
3. Contact details :- Phone No.: -
E-mail :- smdmagro@gmail.com.
4. Consent Status :-


Observations:

1. During the visit unit not found in operation, because it is a seasonal unit.
2. Industry has provided primary, secondary & tertiary treatment system to treat the effluent.
3. Industry has provided wet scrubber for bagasse fired boiler.
4. Industry has not provided closed pipeline to carry untreated effluent upto the effluent treatment plant.

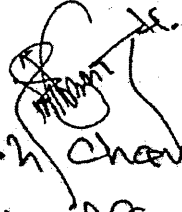
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5. Industry has not provided treated effluent holding tank.
6. Industry has not admitted points where compliance report with respect to the proposed limitations issued by the M.P.C. Board.


 Managing Director
 Shikshan Maharshi Dnyandeo
 Mohekar Agro Industries Ltd. Mohar

(Santosh medke)


 (Santosh Chavan)
 Field Officer
 M.P.C.B
 Latur.