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**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 70 OF 2023 (WZ)**

RAJIV SINHA

...APPLICANT

VERSUS

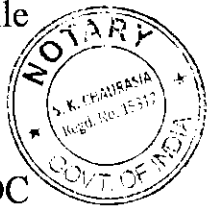
STATE OF MAHARASHTRA & ANR.

...RESPONDENTS

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO. 2**

I, Deepak Hanumantrao Bobade, aged about 39 years, working with Maharashtra Industrial Development MIDC as its Deputy Engineer, Talaja MIDC having my office at Office of Deputy Engineer, Near Talaja Police Station, Talaja MIDC, MIDC - 410208, authorized by Respondent No.2, 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, the Monitoring Committee Report and I am competent to swear and affirm this Affidavit on behalf of the Respondent No. 2 on the basis of official records that I believe to be true. I crave leave of this Hon'ble Tribunal to file additional affidavit as and when required.
2. I say that the Maharashtra Industrial Development MIDC (hereinafter referred to as "MIDC" for the sake of brevity) has been established by the State Government under the provisions of the Maharashtra Industrial Development Act, 1961 (hereinafter referred to as "MID Act, 1961" for the sake of

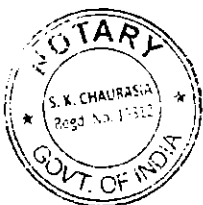


brevity). The MIDC has been established for carrying out planned development of Industries in the State of Maharashtra. I say that the Maharashtra Pollution Control Board (hereinafter referred to as "MPCB" for the sake of brevity) implements Central Legislation (i.e.) The Water (Prevention & Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act, 1986 and monitors the pollution of various industries and also takes steps to check the pollution if any being conducted by Industries.

3. **MIDC IS A FACILITATOR NOT A POLLUTER:**

It is submitted that MIDC has been established for the purpose of securing and assisting the rapid and orderly establishment and organization of industries in industrial areas and industrial estates in the State of Maharashtra.

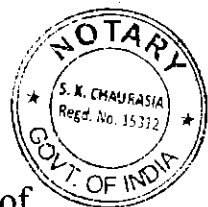
The functions of the MIDC are generally to promote and assist in the rapid and orderly establishment, growth and development of industries in the State of Maharashtra and to establish and manage industrial estates at places selected by the State Government and make them available for undertakings to establish themselves, assist financially by loans to industries to move their factories into such estate or areas, and to undertake schemes or works, either jointly with other corporate bodies or institutions, or with Government or local authorities, or on an agency basis, in furtherance of the purpose for which the MIDC is established and all matters connected therewith. An industrial



area under the Act means any area declared to be an industrial area by the State Government by notification in the Official Gazette which is to be developed and where industries are to be accommodated. An industrial estate under the Act means any site selected by the State Government, where the MIDC builds factories and other buildings and makes them available for any industries or class of industries. Development under the Act means the carrying out of building engineering, quarrying or other operations in, on, over or under land, or the making of any material change in any building or land, and includes redevelopment, but does not include mining operations. Amenity under the Act includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy and such other conveniences as the State Government may by notification in the Official gazette specify to be an amenity for the purposes of the Act. The MIDC has powers to acquire and hold property, moveable and immovable for the performance of any of its activities, and to lease, otherwise transfer any property held by MIDC on such conditions as may be deemed proper.

4. **MIDC AND POLLUTION CONTROL**

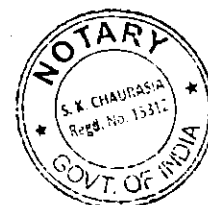
I say and submit that in exercise of powers under Section 64 of MID Act, MIDC with the previous approval of the State Government has framed MIDC Disposal of Land Regulations, 1975. The said Regulation being framed in exercise of powers under Section 64 of the MID Act are statutory in nature. It is submitted that the said Regulations govern the manner in which



the MIDC shall deal with the lands transferred to it by State Government or purchased/ acquired / held by the MIDC. The said Regulations also details the manner of disposal of land / open plot by MIDC. It provides that the MIDC can dispose of the plots either by public auction or by entertaining individual applications and the same can be allotted on rental basis, on premium lease basis or partly on rental basis and partly on premium lease basis. The said Regulations also details the terms and conditions on which lands or plot of land or shed can be allotted by MIDC. Regulation 33 of the said Regulation reads as under:-

*“33. Allottee to abide by Water Pollution Rules – The allottees / Lessees of plots shall be required to observe and perform all obligations and shall also be required to abide by rules, regulations and bye-laws in force for the time being framed by the State Government or any other authority as regards pollution of water.”*

Thus, I submit that it is apparent from the aforesaid that the MIDC Land Disposal Regulations which are statutory in nature provide that the allottee is obliged to abide by the water pollution rules, regulations and bye-laws that are in force from time to time and as framed by the State Government or any other Authority as regards pollution of water.

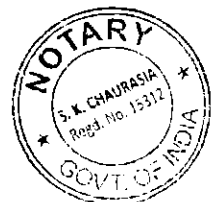


5. I say and submit that after the allotment of plot to an allottee, MIDC enters into an "Agreement to Lease" with such allottee. I further submit that a specific clause in environment protection is incorporated in the Agreement to Lease entered into with the allottee. Clause 2 (h) of the said Agreement to Lease reads as under:-

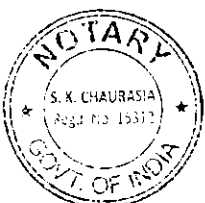
*h) The Lessees shall duly comply with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and the rules made there under as also with any condition which may, from time to time be imposed by the Maharashtra Pollution Control Board.*

Thus, it would be clear from the aforesaid that MIDC takes all possible precautions and has incorporated necessary safeguards regarding environmental protection to prevent environmental damage to the areas surrounding the industrial Area.

6. Apart from the above the allottee is also required to obtain clearance from the Maharashtra Pollution Control Board (MPCB) for starting an industry on the plot allotted to it by MIDC and has to comply with the conditions imposed by this Board, before the said industry goes into production. Thus, I submit that MIDC takes all possible precautions to avoid environmental damage.



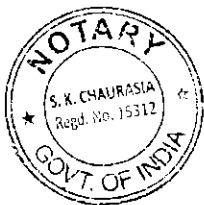
7. I say and submit that the Talaja Industrial Area is developed on 865 Hect of land in the year 1972. The area comprises of various zones like Engineering, Chemical, Textile, Pharmaceuticals etc. Further, I say and submit that MIDC has provided all basic Infrastructure facilities like water supply, roads, drainage lines, street lights & storm water drains etc. There are total approx. 1100 units in the Talaja Industrial Area including 210 units under the red, orange category and 890 units under the green, white category.
8. I say that the CETP was earlier operated by Talaja CETP Society. I say that at present, MIDC has appointed expert Agency M/s. Aquachem Enviro Engineers Pvt. Ltd. for operation and maintenance of the said CETP. I say that after upgradation, rehabilitation and expansion of the CETP, the capacity of the CETP has been enhance to 27.5 MLD.
9. I say that vide communication dated 06.03.2017, MPCB issued directions under Section 33A of Water (Prevention and Control of Pollution) Act, 1974 to MIDC to operate and maintain the CETP of Talaja CETP Society. It may be noted that MIDC is not generating the effluent but the same is generated by the member industry of Talaja CETP Society. I say that MPCB has the regulatory duty, function and authority to carry out inspection of industries, take sample and take action against polluting industries. I say that no such power is vested with MIDC. I say that after the directions of MPCB, expert Agency



M/s. Aquachem Enviro Engineers Pvt. Ltd. has been appointed by MIDC for operating the said CETP.

10. I say that pursuant to the Applicants' Complaint before the Hon'ble Lokayukta, certain directions were issued for reducing the issue of odour arising out of these industries.
11. I further say that a Special Investigating Team (SIT) was constituted upon directions of the Hon'ble Lokayukta. I say that the said SIT consisted of following members:

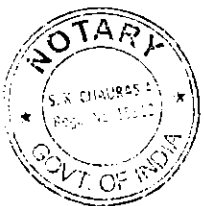
- i. Prof. Abhishek Chakraborty (Dept. of Env. Science and Engg., IIT Bombay)
- ii. Dr. V. M. Motghare (Joint Director, Air Pollution Control, MPCB)
- iii. Mr. Satish Padwal (Regional Officer, Navi Mumbai, MPCB)
- iv. Mr. Avinash Kaldate (Sr. Police Inspector, Talaja Police Station)
- v. Mr. Vikrant Bhalerao (Sub Regional Officer, Talaja, MPCB)



I say that SIT submitted its Report in August 2023. I say that on the basis of the said Report MPCB had issued directions to MIDC, CIDCO, Panvel Municipal Corporation and various industries, and MSW facility operator.

12. I say that in furtherance of the directions issued by the SIT, MIDC has taken / initiated various steps in compliance thereof.

13. I say that MIDC has undertaken the work of extension of existing effluent disposal pipeline by 3.30 KM and replacement of the existing old pipeline. It is also proposed to lay the pipeline 2.50 m below the creek bed from the centre of the creek, so as to not affect the creeks and other water bodies. I say that 67% work of laying down the pipeline has already been completed and 33% is remaining, however, the work is going on continuous basis.
14. I say that, MIDC has also communicated the direction of MPCB to member industries for installation of effluent storage system, Sequential automatic filter screens with lock & Key and Positive Discharge arrangement.
15. I say that 15 member Industries have installed the Lock & Key arrangement in their factory as well and the same has been communicated to MPCB vide letter bearing no. I-69142 dated 05/08/2024 for necessary action. Hereto annexed and marked as **Annexure "1"** is a copy of the letter dated 05/08/2024.
16. I say that MIDC has successfully installed the SCADA Server for the Taloja Industrial Area and has also instructed the industries to connect to the said server. I say that MIDC has informed all the member Industries to connect and upload their data to the said server. I say that till date 17 member Industries have connected to the said server. The remaining industries are in process of connecting their data to the Server and the same has been communicated to MPCB vide letter bearing no.I-



74321 dated 03/09/2024. Hereto annexed and marked as **Annexure "2"** is a copy of the letter dated 03/09/2024.

17. I say that MIDC has issued a Tender for Multi Stage Screening Mechanism & Aerators and the same will be commissioned in due course of time. I say that MIDC has also submitted proposal for bio digester to MPCB for further action.
18. I say that MIDC has decided to develop Taloja Industrial Area as a Smart Industrial City on a pilot basis. Accordingly, the work is started at site. Under the scope of this work, MIDC is installing Smart Poles at 10 locations in Taloja Industrial Area. The Smart poles have AQM system i.e. sensors for Air Quality Monitoring.
19. I say that MIDC is also installing online multi parametric COD, BOD, TSS, Colour, pH & Flow Analyzer with GPRS data transmission arrangement to Server. I say that MIDC has already installed Flow meter for effluent inlet pipeline for flow measurements. I say that MIDC is also in the process of installing Flow meter for effluent outlet pipeline for flow measurement.
20. I say that MIDC has constructed new effluent collection chamber in CETP premises by closing all the old chambers. I say that MIDC has already replaced the old collection pipeline, only a small portion of about 300 metres is remaining and the same will be completed soon after tender formalities.



21. I say that MIDC has vide letter bearing no.I-72530 dated 23/08/2024 informed MPCB, the compliances carried out in respect of the various directions issued by the Committee. Hereto annexed and marked as **Annexure "3"** is a copy of the letter bearing no.I-72530 dated 23/08/2024.
22. I say and submit that the Hon'ble Tribunal ought to 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.
23. I further say and submit that MIDC has taken / intimated various measures as suggested by the SIT formed by the Hon'ble Lokayukta and the same have also been brought to the notice of the Monitoring Committee.

Solemnly affirmed at Mumbai )  
 On this 06<sup>th</sup> day of September, 2024 )

*mma*

*83 03 28*  
 Deputy Engineer  
 M. I. D. C. Talaja Sub - Division  
 TALOJA.

**For Navdeep Vora & Associates  
 Advocates for Respondent No. 2**

**VERIFICATION**

I, Deepak H. Bobade, The Deputy Engineer, Taloja MIDC, of the Maharashtra Industrial Development Corporation and having my office address at Office of Deputy Engineer, Near Taloja Police Station, Taloja MIDC, MIDC - 410208, duly authorized to swear and



attest this Application by Circular dated 17th June, 2002, do hereby state on solemn affirmation, that what is stated in paragraph nos. 01 to 20 is true to my own knowledge based on information derived by me from the official records and I believe to be true and correct.

Solemnly affirmed at Mumbai )

Dated this 06<sup>th</sup> day of September, 2024 )

*[Handwritten Signature]*

Deputy Engineer  
M. I. D. C. Talaja Sub - Division  
TALOJA.

Mr. Deepak H. Bobade,  
Deputy Engineer, Talaja  
MIDC (For M. I. D. C.)  
[Respondent No. 2]

Identified by me

*ma*

For Navdeep Vora & Associates  
Advocates for Respondent No. 2  
Office No. 32, 2nd Floor,  
Building No. 105,  
Mumbai Samachar Marg,  
Fort, Mumbai - 400 001

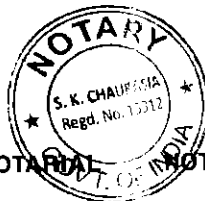
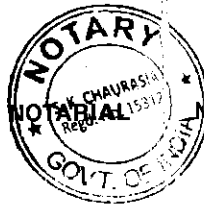
**BEFORE ME**

*[Handwritten Signature]*

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

NOTED & REGISTERED  
Sr.: 791  
Date: 6/9/2024  
Regd. Book No.: 3  
Page No.: 85

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MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION  
(A Government of Maharashtra Undertaking)

MIDC, Division Office, Nagdongri, Revas Road, Alibag, Dist. Raigad-402201  
e-mail- [realibag@mideindia.org](mailto:realibag@mideindia.org)

No. MIDC/Taloja/MPCB/IFMS-I-69110/ol' 2024

Date : 05/08/2024

To,  
Regional Officer, MPCB  
Raigad Bhavan, Floor no. 06,  
CBD Belapur, Navi Mumbai.

Subject: -Regarding Installation of effluent storage system,  
Sequential automatic filter screens with lock & key with  
Positive discharge arrangement.

Reference:- 1) MPCB direction vide letter no MPCB/ SRONM-III /  
B-0143 dated 19/10/2023.  
2) MIDC letter to Industries vide I-25590/of' 2023 Dated  
7/11/2023  
3) MIDC reminder-1 to Industries vide I-59324/of'2024  
Dated 31/05/2024

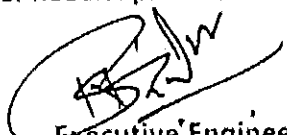
As per the directions issued by MPCB vide letter under reference sr. no.1) as,  
"All Industries with having equal or less than 50kl / day effluent generation  
& connected to CETP, shall install storage system, sequential automatic filter  
screens (mesh size 1mm and below) with lock & key with positive discharge  
arrangement [Minimum storage capacity 0-25kl- 2 days, 25-50 kl- 1 day]".

Accordingly, MIDC have issued the notices to the 210 no. of effluent generating  
industries for the compliances to the directions issued by MPCB vide reference under  
sr. no. 2. In this context after taking an inspection drive by MIDC it was found that many  
of the industries have not completed the arrangement. Therefore, MIDC again gave the  
reminder letter to the industries under the reference sr. no.3.

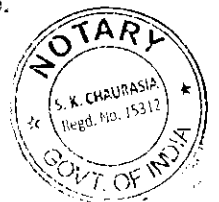
In response to this now 15 no. of industries have complied the directions, 9 no. of  
industries have submitted the letter that this arrangement is not applicable to them. (List  
is enclosed). Out of 210 no. of industries 186 no. of industries did not responded to  
MIDC regarding the directions.

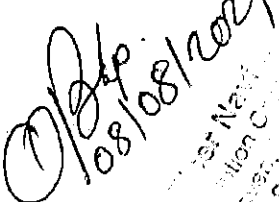
Submitted for favour of your kind information and further needful please.

DA: As above

  
Executive Engineer,  
MIDC, Division, Alibag.

- 1) Copy Submitted to SE(Konkan) for favour of information please.
- 2) Copy to DE(Taloja) for necessary action.
- 3) Copy to Guard file.



  
05/08/2024  
Regional Officer,  
MPCB,  
Raigad Bhavan,  
CBD Belapur,  
Navi Mumbai-400074



## ANNEXURE " 2 "

**MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION**  
(A Government of Maharashtra Undertaking)

MIDC, Sub-Division Office, Talaja Dist. Raigad-410208  
e-mail- [detalaja@midsindia.org](mailto:detalaja@midsindia.org)

No. MIDC/Talaja/MPCB/IFMS- I-74321 /of' 2024

Date : 03/09/2024

To,  
Regional Officer, MPCB  
Raigad Bhavan, Floor no. 06,  
CBD Belapur, Navi Mumbai.

**Subject: -Talaja Industrial Area.. M&R to EDS...CETP...  
Providing Cloud based SCADA server for Talaja CETP.**

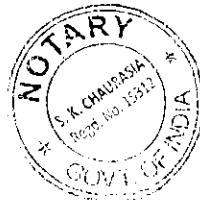
**Reference:-** 1) MPCB vide direction u/s 33A of the water act 1947  
Dated. 27/01/2021.  
2) MIDC letter to Industries vide P-108679/of  
2024 Dated 11/06/2024.

As per the directions issued by MPCB vide letter under reference sr. no.1) as, **"MPCB has directed all the effluent discharges industries to connect their online monitoring System(SCADA) to CETP's/ MIDC'S SCADA Server.**

MIDC have issued the notices to the 210 no. of effluent generating industries vide reference under sr. no. 2). In this context after taking an inspection drive by MIDC it was found that many of the industries have not completed the online monitoring system to CETP'S/MIDC's SCADA server.

In response to this now 17 no. of industries have complied the directions & connected to CETP'S/MIDC's SCADA Server, 8 no. of industries have submitted the letter that the SCADA Server is not applicable to them (List is enclosed). Out of 210 no. of industries 185 no. of industries did not responded to MIDC regarding the directions.

Submitted for favour of your kind information and further needful please.



*S. K. Chaudhari*  
Deputy Engineer,  
MIDC, Sub-Division, Talaja

Following industries which are connected to Taloja CETP SCADA:-

Sr. No	Name Of Company	Plot No
1	Prem Dye Chem Industries	17/30
2	Johnson Matthey Chemicals I Pvt Ltd	6A
3	Technova Imaging Systems Pvt Ltd	E-1/2/3
4	Sanchitra Frozen Foods Pvt Ltd	M-7A
5	Deepak Nitrite	K-9/10
6	Asahi India Glass Ltd	T-16
7	Owens Corning India Pvt. Ltd	T-28
8	Panchmahal District Co-op Milk Producer Union	G-20 to G-24
9	Castlerock Fisheries Ltd.	M-33/34
10	Nanak Nutrition Food (Taloja) Pvt. Ltd	M-57
11	Naik Frozen Foods Pvt Ltd	M-9/10
12	DOW Chemical International Pvt Ltd	T22
13	Apcolex Industries Ltd	3/1
14	VKM Foods Pvt Ltd.	M-54
15	Ball Beverage Packing (I) Pvt Ltd.	C7
16	Glenmark (Under Process)	M-4
17	Kellogg's	L2 & L3



8/3/22  
 Deputy Engineer  
 M.I.D.C., Taloja Sub-Division  
 TALOJA

Following Industries have submitted letter that the said MPCB directions are not applicable to them :-

Sr. No	Name Of Company	Plot No
1	Vasudha Chemicals Pvt.Ltd.	H-5 & 13
2	Permier Lubricants Pvt. Ltd.	G-14/1
3	Galaxy Surfactants Ltd.	V-23
4	Sadia Marine Product	G2
5	Lubrizol	T-6
6	Sunraj Plastics	D-9
7	Gandhar	T-10
8	Halliburton	

*S.S. CHAURASIA*  
 Deputy Engineer  
 M.I.D.C., Talaja Sub-Division  
 TALAJA,





**MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION**  
(A Government of Maharashtra Undertaking)

MIDC, S.E.(Konkan) office, Konkan Circle, Plot No.57, sect-17, New-Panvel  
Tel.022-27483642 / 2748.3641 (P) e-mail-sekonkan@midcindia.org

No. MIDC/Taloja/MPCB/IFMS 1-I/72530 /of 2024 Date: 23/03/2024

To,

Regional Officer, MPCB,  
Raigad Bhavan, 7<sup>th</sup> floor,  
Sector-11, CBD Belapur,  
Navi Mumbai- 400614

**Subject:-** Directions under the provisions of the Water (Prevention & Control pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 and Hazardous & Other Waste (Management and Trans-boundary Movement) Rules 2016.

**Reference:-** Your office letter vide no. MPCB/RONM/Direction /2408020001.

With above reference regarding the subject, the compliances are as follows,

- 1) Lock & Key along with positive discharge implementation for industries.

MIDC has informed to member industries regarding installation of effluent storage system, Sequential automatic filter screens with lock & Key and Positive Discharge arrangement. In response 15 member Industries have been installed the same into their factory. The list of industries who has not installed the above arrangement is informed to your office vide letter No. 169142 dated 05/08/2024 for necessary action.

- 2) Operationalization of 10 MLD Equalization Tank along with capping of same within 3 months.

The newly constructed sumps in CETP (8.5 MLD and 1.5 MLD) 10 MLD are not designed as a equalization tank instead they are purely storage tanks/collection tanks. Out of these, sump having capacity 1.5 MLD is for gravity flow effluent and other 8.5 MLD sump is for pumping effluent from Ghot sumps.

The existing equalization tank is of 12.50 MLD capacities having large surface area. The capping for the same is economically not viable however this office is exploring the feasibility for providing capping to the same. Guidance of the MPCB officials will be taken as & when necessary.



3) Operationalize of pond 2 of sump 2.

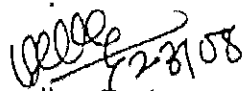
The provision of pumping equipment and related work for the second collection sump is currently in progress. The pumping equipment will be installed shortly, and the sump will be made operational within a month.

4) Implementation of multi screening mechanism at sump 2.

The tender notice for the said work is already published and the work will be started within a month.

5) Cleaning of effluent carrying pipelines and chamber and removal and disposal of sludge immediately to CHWTSDF.

MIDC has appointed an agency for the cleaning. The work is carried out by the agency regularly. Sludge found during the cleaning is sent to the CETP for further disposal.

  
Superintending Engineer  
M.I.D.C. Konkan Circle, Panvel.

- Copy to Executive Engineer, MIDC, Alibag Division, Alibag for information and necessary action.
- Copy to Deputy Engineer, MIDC, Taloja sub Division, Taloja for information and necessary action.





