

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE AT PUNE
ORIGINAL APPLICATION NO.22 of 2023

Amol Abhimanyu Shinde

Applicant

V/s

MPCB and Others.

Respondents

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Adv. for R. 4 and 7

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AFFIDAVIT

ON BEHALF OF THE RESPONDENT NO. 4 and 7

I, Govind Shinde, Age: 43, Sub Divisional Officer, Junnar-Ambegaon, Dist. Pune, do hereby state on solemn affirmation as under:-

1. I say that, I am filing this Affidavit in reply as a respondent no. 4 and on behalf of Respondent no. 7 as authorized me to do so. I say and submit that I have gone through a writ petition with the annexure thereto. I have also perused official record pertaining to the subject matter of the case and on the basis of the information derived there from; I am filing this Affidavit as under. I crave leave and liberty to file Additional Affidavit in reply, as and when found necessary. I say that whatever has not been specifically denied by me may not be treated as an admission on the part of the respondents. I have joined as Sub Divisional Officer Junnar-Ambegaon on 18/04/2023.

1. I say that, the Applicant has filed the present O.A. before this Hon'ble Tribunal alleging against the operations and activities of milk production being carried out by the Respondent No. 8 and 9. The applicant alleging that, due to the operations and activities carried out by the respondent no. 8 and 9 of milk collection, milk chilling, processing, treatment, packaging and various milk food productions in the name 'Akash Dairy and Rheansh Foods' in

Taluka Ambegaon, District Pune is without obtaining prior consent by MPCB and hence the residents of the area are under the environmental and ecological degradation.

2. I say that, it appears from record that, the then Sub Divisional Officer Junnar Ambegaon vide order dated 12/08/2021 sanctioned the construction plans (which is approved by Town planning department) submitted by the respondent no. 9 in respect of the property situated at S. no. 122/2 and 123/2A, area 51000 Sq.mtrs, village Manchar, for proposed activities of milk collection and chilling unit. The said order was issued with certain terms and conditions. One of the term of the said order is that, "it would be binding upon the project proponent to obtain necessary consent from MPCB to carry out the proposed milk product business". The copy of the order issued by the then Sub Divisional Officer is annexed by the applicant at page no. 49 of the O.A.
3. I say that, the applicant filed complaints thereby stated that there is a illegal construction on the subject land. In this regard it is submitted that, the Manchar Nagar panchayat has been constituted by Government Resolution dated 23/12/2020 issued by Urban Development Department, Mumbai. Now the village Manchar is falls under the jurisdiction of Manchar Nagarpanchayat. This office forwarded the complaints received from the applicant to Nagar Panchayat Manchar for further action. The issue of air pollution and water pollution as alleged by the applicant are related with the MPCB.
4. I say that, in view of the allegations made by the applicant in the present O.A., spot inspection has been carried out by the concerned circle officer, wherein it has been found that, there is a two storied building standing in the name of Akash Dairy. Activities of milk processing and other milk products are being carried out in the said building. There is a boiler standing at the south side of the unit. On the east side of the said building there is a construction of waste water treatment plant in which waste water of the unit has been collected. After treatment the water is being used for the agricultural purpose and for drainage of Nagarpanchayat Manchar.



There is no any discharge of the chemical waste water found in to the natural water course. Hereto annexed and marked as **Exhibit R 1** is the copy of Spot inspection report.

Considering the above mentioned facts and the reports, appropriate orders may be passed.

Hence this Affidavit.

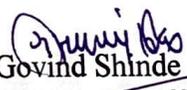
Verification

I, Govind Shinde, Age: 43 Sub Divisional Officer, Junnar-Ambegaon, Dist. Pune hereby state that I have read the above content of the aforesaid Affidavit in Para No.1 to 5 and that it is true to the best of my knowledge and belief.

Hence, verified this at, Pune
on 12th the day of May, 2023

Affiant

I know Affiant


Govind Shinde
(Sub Divisional Officer,
Junnar-Ambegaon)



Advocate



BEFORE ME
Kajale
PANDURANG S. KAJALE
NOTARY, GOVT. OF INDIA
Manchar, Tal. Ambegaon, Dist. Pune

NOTARY
NOTED & REGISTERED
At Serial No. 3271 / 2023
Date 12/05/2023
This Document
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पंचनामा

आम्ही खाली सहाय्य करणार पंचलोक, राहणार मंचर, ता.आंबेगाव, जि.पुणे मंडल अधिकारी. मंचर यांनी बोलावले वरून सदर पंचनाम्यासाठी दिनांक -०८/०५/२०२३ रोजी ठपस्थित होतो. त्यावेळी मंडल अधिकारी, मंचर, आंबेगाव यांनी मा.उपविभागीय अधिकारी जुन्नर-आंबेगाव उपविभाग, पुणे यांचेकडील पत्र जा.क्र.जमिन -२/काचि/४८६/२०२३ दिनांक-२६/०४/२०२३ अन्वये मौजे -मंचर, ता.आंबेगाव, जि.पुणे येथिल गट क्रमांक १२२/२ व १२३/२अ मधील क्षेत्र ११८०० चौ.मी. पैकी ५१०० चौ.मी. या मिळकतीचा पंचनामा करण्यासाठी सरकारी पंच म्हणून तलाठी, मंचर, ता.आंबेगाव यांना नियुक्त केले असल्याने उपस्थित होते.

उक्त पत्राच्या अनुषंगाने मौजे-मंचर, ता.आंबेगाव, जि.पुणे येथिल गट क्रमांक १२२/२ व १२३/२अ मधील क्षेत्र ११८०० चौ.मी. पैकी ५१०० चौ.मी. या मिळकतीमध्ये आम्ही सायंकाळी ४.०० वा उपस्थित झालो होतो. त्यानुसार मी सरकारी पंच तलाठी, मंचर यांचेसह मंडल अधिकारी, मंचर यांचे समक्ष संपूर्ण मिळकतीमध्ये पाहणी केलेली आहे. या पाहणीमध्ये आम्हाला सदर मिळकतीमध्ये आकाश डेअरी या नावाने व्यवसाय सुरु असलेली २ मजली इमारत दिसून आलेली आहे. सदर इमारतीमध्ये दुधापासून विविध दुग्धजन्य पदार्थ उदा. लस्सी, पनीर, चीज, बटर, ताक व दुधपिश्वाी असे वेगवेगळे पदार्थ तयार करण्यासाठी या इमारतीचा उपयोग करण्यात येत असल्याचे दिसून आलेले आहे. सदर मिळकतीमध्ये असलेल्या इमारतीबाबत संबंधितांस विचारणा केली असता, संबंधितांनी मा.उपविभागीय अधिकारी, जुन्नर-आंबेगाव उपविभाग, मंचर, पुणे यांचेकडील आदेश क्रमांक जमीन -२/विशे/एसआर/८३/२०१९, मंचर, (पुणे) दिनांक १२/०८/२०२१ अन्वये विनशेती व इमारत आराखडा मंजूर करणेत आलेची प्रत दाखविणेत आलेली आहे.

तदनंतर आम्ही सदर इमारतीची पाहणी केली असता, या इमारतीच्या दक्षिणेला बॉयलर उभारण्यात आल्याचे दिसून आलेला आहे. सदर बॉयलरसाठी जळण म्हणून बाभळीच्या लाकडाचा वापर करत असल्याचे दिसून आले आहे. सदर इमारतीच्या पुर्वेस काही अंतरावर २०x२५ चौरस फुट आकाराचा जलशुद्धीकरण प्रकल्प चालू असल्याचे दिसून येत आहे. सदर टाकीमध्ये प्रक्रियानंतर सांडपाणी जमा होते. त्यानंतर जलशुद्धीकरण प्रकल्पातून बाहेर येणारे पाणी या मिळकतीचे आजुबाजूस लागवड करणेत आलेल्या झाडांच्या व इतर क्षेत्रातील कृषि सिंचनासाठी उपलब्ध करून

SPOT INSPECTION REPORT

Upon the instructions received by the Circle Officer, Manchar, Tal. Junnar-Ambegaon, Dist. Pune, we the undersigned Panch were present on 08/05/2023, to conduct Panchnama of site in question situated at village Manchar, Tal. Ambegaon, Dist.Pune, having Gat no. 122/2 and 123/2a, area 5100 Sq. mtrs out of total area 11800 Sq. mtrs. On behalf of Government the circle officer Manchar and Talathi were present at the time of inspection.

We all above inspected the site in question, wherein we found that, there is a two storied building situated at Gat no. 122/2 and 123/2a, area 5100 Sq. mtrs out of total area 11800 Sq. mtrs at village Manchar, Tal. Ambegaon, Dist.Pune. This building is being used to prepare different products from milk such as Lassi, Panner, Cheese, butter, buttermilk and milk bags. The concerned from the said building showed a copy of N.A. order dated 12/08/2021 issued by the then Sub Divisional Officer Junnar-Ambegaon.

Then after we inspected entire area of the building wherein we found that, a boiler has been erected at on the south side of the building. A water purification tank approx. 20x 25 square feet is found in operation at the east of the said building. Waste water is being discharged in the said plant. Then after the treated water is being used for agricultural purpose, trees and remaining water released in to the drainage system of Manchar Nagarpanchayat.

The spot inspection completed at 04.00 pm on same day. The circle officer read it for us. And after hearing the same we have signed on the spot inspection report.

Date

Place – Manchar

Circle Officer,

Manchar, Ambegaon

Talathi,

Manchar

(Govt.

Panch)