

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO 216 OF 2024

Pranav Pandurang Sagar and Others ... Applicant
Vs
MoEF &CC and Others ... Respondents

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NO 5

I, P.V Naik, Age: 40, Occupation-Service, the Sub-Regional Officer, of the Maharashtra Pollution Control Board Respondent no.05 having my office at Latur, Plot No.P-10,Latur District Udyog Samuh Building, MIDC Latur-413531, do hereby state on solemn affirmation as under

1. I say and submit that the Board has granted an authorization under the Solid Wastes Management Rules, 2016 for collection, Segregation, Storage, Processing, treatment and disposal of Municipal Solid Wastes of quantity 150MT/day arising from Latur City subject to certain terms and conditions vide letter dated 10.2.2017 and 31.3.2020. The Latur Municipal Corporation has submitted application for renewal of authorization vide letter dated 26.03.2025 vide No. MPCB MSW AUTH-0000001064 which is under process. The Field officer has visited the site on 24.05.2021 and reported various non-compliance on your part such as follows:-
 - a) Mechanical Processing has not been found in operation and segregation of municipal solid wastes has not been found properly i.e. dry wastes, wet wastes and plastic wastes and all found mixed and dumped in Warvanti site.
 - b) During the visit, burning of legacy of solid waste was found resulting in smoke in the periphery of site & thereby causing air nuisance in the surrounding area.
 - c) During the visit there was huge quantity of plastic waste kept in Warvanti Site unscientifically which needs to be disposed of regularly to Plastic Processor/Cement Industries.
 - d) The landfill site was not taken in operation for disposal of inert material.



[Handwritten Signature]

Before Me
[Handwritten Signature]
Kallore D. H.
Advocate & Notary
Sai Road, Latur
Regd. Sr. No.



As per MSW authorization dated 10.2.2017 Latur Municipal Corporation has not submitted BG of Rs.5 lakh towards compliance of authorization conditions. A copy of visit Report dated 24.05.2021 is enclosed and marked as an **Annexure "A"**.

In view of above non-compliance, the Board has issued warning notice to Latur Municipal Corporation vide letter dated 24.5.2021. A copy of warning notice dated 24/05/2021 is enclosed and marked as an **Annexure "B"**

2. I say and submit that, in compliance of this Hon'ble Tribunal order dated 29.8.2025, the Board has calculated Environmental damage Compensation (EDC) to be levied from Latur Municipal Corporation (Responded no. 3) MPCB has calculated Environmental damage Compensation based on report of CPCB inhouse committee on methodology for assessing Environmental Compensation and OA No. 606/2018 before the Hon'ble NGT Principal Bench New Delhi.

The violation period has been calculated wef 08.09.2022 to 30.11.2025 (excluding the period of default which was covered in Original Application 606/2018 is already included in the amount of Rs. 12000 Crores which has been directed to be levied by the Tribunal).



- a) The Latur Municipal Corporation has violated Solid Wastes Management Rules, 2016 wef 08.09.2022 to 30.11.2025 i.e 1179 days. Therefore, EDC has been calculated as per order dated 08.09.2022 in OA No 606 of 2018 for the period from 08.09.2022 To 30.11.2025 i.e 1179 days. The EDC Calculated for the said **period is Rs. 793.17 lakhs.**

(CPCB inhouse committee on methodology for assessing Environmental Compensation)

- b) **Non- compliance/Violation of Legacy Wastes:** - The population of Latur city is less than 5 lakhs. Therefore, as per the order passed by Hon'ble Tribunal in OA No 606 of 2018 the violation for legacy waste has been calculated at the rate of Rs.1 lakh per month into 39.3 months i.e. Rs. 40 lakh from 08.09.2022 to 30.11.2025 (excluding the period of default which was covered in Original Application 606/2018 is already included in the amount of Rs. 12000 Crores which has been directed to be levied by the Tribunal).

Before Me

Yms
Kallore D. H.
Advocate & Notary
Sai Road, Latur
Regd. Sr. No.



The Board has issued letter to the Latur Municipal Corporation stating the EDC calculation for non-compliance unscientific management of solid wastes Management and violation of Legacy Waste & extended Personal hearing on 14.10.2025 at Regional Office, Paryavaran Bhavan, Chhatrapati Sambhajinagar A copy of the said letter dated 14.10.2025 is enclosed and marked as an **Annexure "C"**.

I say and submit that, Latur Municipal Corporation has filed reply to EDC calculation vide letter dated 16.10.2025. A copy of reply is enclosed and marked as an **Annexure "D"** Though, the Reply states that it has processed 47,000 tons by way of biomining out of 2,40,000 tons, as per the operator of the facility itself, the operation of MSW Facility of Biogas was not proper as admitted by the R.No.7 (Operator of the Facility). Hence, the MPCB has rightly assessed EDC for the improper operation of MSW Facility and 1,93,000 tons of MSW not being processed and dumped (2,40,000 tons of legacy waste – 47000 tons = 1,93,000 tons). Now, the fresh waste (MSW) to the tune of 170 to 180 tons of solid waste is further added daily to the legacy waste on account of non-operation of existing facility as admitted by the operator of the facility.

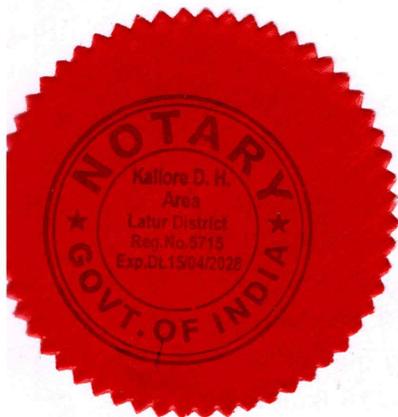
A copy of EDC calculation is enclosed and marked as an **Annexure "E"**

I say and submit that therefore, total EDC Calculated is **Rs. 833.17 Lakhs** .

Solemnly affirmed as on 08 Day of Dec 2025.

For and on behalf of
Maharashtra Pollution
Control Board

(P. V. Naik)
Sub-Regional Officer-
Latur.



08 DEC 2025

AFFIDAVIT

Solemnly Affirmed before me By
Shri/Smt P.V. Naik
Age 47 Yrs. Occ. servant of Latur
Tq. Latur Who is identified before me
by Shri self
To Whom I Know Personally

[Signature]
Adv. Kallore D. H.
Notary
Govt. Of India

Notary Reg. No. 981/2025

[Signature]
[Signature]
Before Me
[Signature]
Kallore D. H. Area
Advocate
Sai Road, Latur
Dist. Latur

Anne - 'A'

MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, LATUR



Plot No. P-10,
 Latur District Udyog Samuh Building
 M.I.D.C. Latur-413531

INSPECTION REPORT

Name of Industry: M/s Municipal Corporation Latur,
 (MSW) Processing plant,
 Gat No. 30, A.H. Karwanb,
 Tal. Dill Latur
Date of Visit : 24.05.2021
Industry Officials: Shri. Ashish Sathre (S.I.)
Observations :

This is MSW processing facility & same has visited for investigability of Complaint received from Shri. Venkatesh Deshmukh regarding burning of MSW & the polluted smoke coming in this area & harmful to people which is received through CPCB portal on 14.05.2021 & during visit Complainted Shri. Venkatesh Deshmukh & Ashish Sathre (Sanitary inspector of Corporation) were present. during visit following observations were made,

250
① Latur City Municipal Corporation is having MSW Authorization which is valid up to 31.03.2025.

② In Latur City Municipal Corporation about 150 MT/day MSW is generated.

③ Authority is having MSW processing plant of capacity 100 MT/day, but during visit some work is found in operation. during visit representative reported that, some work is in operation since 4 days.

④ Authority is not doing proper segregation of M.S.W. i.e. dry waste, wet waste & plastic waste & all these are found mixed with each other & some work found dumped at Warvanti site.

⑤ Authority has provided GPS tracking system to MSW vehicles (40 nos. Tractor & 84 nos. Autos)

⑥ Authority has provided data logger system to electric meter for checking electricity consumption.

- ① Authority has provided CCTV cameras at processing plant & weigh bridge.
- ② During visit burning of legacy waste was found & heavy smoke was found spread in the surrounding area, it is reported that causing Air pollution problem. It is reported that, due to ~~metane~~ sparking of electricity burning of waste was happen in from last 8 days.
- ③ It is reported that, about ~~204000~~ ^{2,40,000/-} MT legacy waste was stored earlier. Now further same is being processed on regular basis by Kleenagh mobi screen 952 machine (3 nos. of capacity 1000 MT/day ^(Actual 3500) each machine) About 1,84,000 MT legacy waste is being processed. Presently about 56,000 MT legacy waste is yet to be processed.
- ④ ~~At~~ plant waste was found kept in to ~~wasteland~~ site in ~~large~~ huge city.

(9) It is reported that, they have made **252** MCO by cement industries of MH, as intimated by reportable but copy not produced

(10) During visit Authority has yet not started sanitary landfill site. ^{for verification} due to delays in leachate collection tank yet to be completed.

(11) Authority has yet not submitted Bank guarantee of Rs. 5.0 Lacs to banks. Compliance of Authority granted on 28.12.2010

(12) ~~During visit~~ one no. machine (Kleinman Moby screen 95L of 1000 MT/day) (Actual 350 MT/day) is used for fresh dry waste

(13) During visit instructed to operate mechanical processing plant immediately & to take effective steps towards burning of @ legacy waste to avoid polluting problems in the surrounding area.

to Shri. Gomina
(Venkat Deshmukh) (to him Sathe) (R. G. ~~Patil~~ ~~Patil~~)
Complainant Sanitation Authority R. G. ~~Patil~~ ~~Patil~~

Anne - 'B'

**MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE,**

Tel. No. 02382-252672



Dev Towers, Opp. Tahsil Office,
Plot No. RL - 2045, Barshi Road,
Latur-413512

No.MPCB/SROL/WN/2105240001

Dtd. 24 / 05 / 2021

To,
The Commissioner,
Latur City Municipal Corporation, Latur
Tal. & Dist. Latur

Sub : Non-compliance of MSW Authorization conditions.

- Ref:** 1. MSW Authorization No. BO/RO (HQ)/MSWA/Amendment/B-/CC-100 dtd. 10.02.2017
2. MSW Authorization No. BO/RO (HQ)/MSWA/Amendment/B-180700000 dtd.
11.07.2018 valid up to 31.03.2020 & applied for renewal
3. Complaint from Shri. Vankatesh Deshmukh received to this office through CPCB portal on
14.05.2021
4. Visit of Filed officer to MSW Warvanti site on 24.05.2021

Sir,

Maharashtra Pollution Control Board has granted MSW authorization vide letter under ref. no. 1 & 2 respectively to your Municipal Corporation for Collection, Segregation, Storage, Processing, treatment & disposal of Municipal solid waste of quantity 150 MT/day arising from Latur City on the terms & conditions under Solid Waste Management Rules 2016 and it is obligatory on your part to Segregate Municipal Solid Waste at Source. Also, Proper Segregation shall be carried out to avoid burden on the Waste Processing site. And Operate Mechanical processing plant on regular basis and effectively.

Field officer of this office has visited to MSW Warvanti site on 24.05.2021 for verification of Complainant received from Shri. Vankatesh Deshmukh through CPCB Portal on 14.05.2021 regarding burning of MSW waste & polluted smoke coming in their area and harming to people and during visit it is reported that,

1. Mechanical Processing Plant was not found in operation since last four days.
2. Segregation of MSW is not found properly i.e. dry waste, Wet waste, & Plastic Waste and all these are found mixed & same is dumped at warvanti site.
3. During visit burning of legacy M.S.W. waste was found, resulting white smoke were found spread in the periphery of MSW site that causing air pollution problem in the surrounding area.
4. Huge quantity of plastic waste was found kept in Warvanti site unscientifically it needs to dispose regularly to Plastic reprocessor /Cement industries.

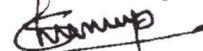
2/-

5. During visit Sanatory landfill site was not taken in operation for disposal of inert material.
6. As per MSW authorization dtd. 10.02.2017, Corporation has not submitted the Bank guarantee of Rs. 5.0 Lakh towards compliance of authorization conditions.

From above non-compliances shows that, your negligent attitude towards implementation of Municipal Solid waste Management Rules 2016.

In view of above, you are requested to take effective measures towards above non-compliances & submit compliance report to this office within a period of 7 days.

Yours faithfully



(V. P. Shelke)

Sub-Regional Officer,
M.P.C. Board, Latur.

Copy Submitted to :-

1. Regional Officer (HQ), M.P.C. Board, Mumbai
2. Regional Officer, M.P.C. Board, Aurangabad.
3. Shri. Venkatesh Deshmukh, Near Vill. Warvanti Tal. Dist.Latur

MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 2993004

Visit us at www.mpcb.gov.in

E-mail:

rochhatrapatisambhajnagar@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 Sambhajnagar-431 210.

No. MPCB/ROChh.S/ 1904 /2025

Date: 14 / 10 /2025

To,
Municipal Commissioner,
Latur Municipal Corporation,
Latur.

Subject:- Your Reply/ Objections to be submitted in respect of assessment of EDC.

WHEREAS, the SRO, MPCB, Latur has assessed draft EDC (Environment Damage Compensation) by following 2 methodologies as under-

- a) CPCB's In-house Committee Methodology adopted for assessment of EDC and Action Plan to utilize it as per Formula- $EC \text{ (Lacs Rs)} = 2.4 \text{ (Waste Generation- Waste Disposed as per the Rules)} + 0.02 \text{ (Waste Generation-Waste Disposed as per the Rules)} \times N + \text{Marginal cost of Environmental Externality} \times \text{(Waste Generation- Waste Disposed as per the Rules)} \times N$

$N = \text{No. of days from the date of direction of /CPCB/SPCB}$

Violation date (Warning Notice) is 24.05.2021 to 29.08.2025 (The date of order of Hon'ble NGT) is 1558 days

Marginal cost of Environmental Externality = 0.01

$2.4 \times (170 - 149) + (0.02 (170 - 149) \times 1558) + ((0.01 \times (170 - 149) \times 1558))$

$2.4 \times 21 + 0.02 \times 21 \times 1558 + 0.01 \times 21 \times 1558$

$50.4 + 654.36 + 327.18$

Total = 1031.94 Lakh.

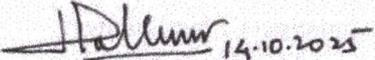
AND WHEREAS, the SRO, MPCB, Latur has also calculated the EDC as per the Formula adopted in the Original Application No. 606/2018 for the period from 01.04.2020 to 29.08.2025 (Date of Order of Hon'ble NGT) = 1976 days i.e. 66 months.

- b) At the rate of Rs. 5.0 Lacs per month per Local Body for the population between 5.0 Lacs to 10 Lacs and,
c) At the rate of Rs. 1.0 Lac per month per Local Body having population below 5.0 Lacs as per information received from the Municipal Corporation.

Since population is less than 5.0 Lacs, the SRO, MPCB, Latur has calculated as per said Judgment in OA No. 606 of 2016 at the rate of Rs. 1.0 Lac per month into 66 months equal to 66 Lacs.

NOWHEREFORE, you are requested to communicate your objections through your Reply to this particular communication within 72 hours, so as to assess EDC by way of the methodology adopted in the OA No. 606 of 2016 as stated above in clause (b). In case, no reply is received, this Office has no alternative than to issue final Orders in respect of assessment of EDC, and to communicate MPCB's stand to Hon'ble NGT in the OA No. 216 of 2024, which may please be noted.

Date: 14.10.2025


(Manish Holkar)
Regional Officer-
Chhatrapati Sambhajnagar

Copy Submitted for favour of information: -

1. The Member Secretary, MPCB, Mumbai.
2. Joint Director (W.P.C.), MPCB Sion, Mumbai.
3. Regional Office, BMW, MPCB Sion, Mumbai.

Copy to:-

1. SRO, MPCB, Latur for information and necessary action – He is instructed to finalize Affidavit once the Reply is received from Latur Municipal Corporation by finalizing one of the methodology for calculation of EDC and get it filed well before 09.12.2025.



लातूर शहर महानगरपालिका, लातूर

Annex-3

मुख्य कार्यालय- मेनरोड, टिळक नगर, लातूर
(स्वच्छता विभाग)

स्थापना- 25 ऑक्टोबर 2011
फॅक्स:- (02382)-246074

फोन:- (02382)-242803/246075
मेल.आय. डी - swmlmc@gmail.com

जा.क्र./लाशमनपाला/स्व.वि./ 142 / २०२५-२६

दिनांक- 16/१०/२०२५

प्रति,

मा.प्रादेशीक अधिकारी,
महाराष्ट्र प्रदूषण नियंत्रण मंडळ,
छत्रपती संभाजीनगर- ४३१२१०.

विषय :- ईडीसी च्या मुल्यांकना बाबत तुमचे उत्तर/ हरकती सादर करणे बाबत.

उप-प्रादेशीक अधिकारी महाराष्ट्र नियंत्रण मंडळ,लातूर यांनी खालील दोन पध्दतीचा अवलंब करून ईडीसी (पर्यावरण नुकसान भरपाई) च्या मुसदा मुल्यांकन केले बाबत.

संदर्भ :- आपले पत्र जा.क्र./MPCB/ROC hh.S/1904/2025 दि.14.10.2025

महोदय,

अ) वरील संदर्भीय विषयास अनुसरून उप-प्रादेशीक अधिकारी महाराष्ट्र प्रदूषण मंडळ,लातूर यांनी ईडीसी (पर्यावरण नुकसान भरपाईचा) अनुषंगाने नुकसान भरपाईचे मुल्यांकन दोन पध्दतीने केल्याचे संदर्भीय पत्रान्वये लातूर महानगरपालिकेस कळविण्यात आले असून मुल्यांकनसाठी सीपीसीबीची अंतर्गत समिती पध्दत आणि सुत्रानुसार त्याचा वापर करण्यासाठी प्रति योजना ईसी कचरा निर्माती नियमानुसार.

ब) लातूर शहर महानगरपालिका लोकसंख्या जनगणने नूसार पाच लाखापेक्षा कमी असल्याने स्थानिक संस्था दरमहा एक लाख रूपये दराने दि.०१.०४.२०२० पासून दि.२९.०८.२०२५ पर्यंत ६६ महिन्याची परिगणना केल्याचे नमूद केले आहे परंतु लातूर शहर महानगरपालिकेने दि.०६.०६.२०२२ पर्यंत साचलेल्या जुन्या कच-यावर बायोमायनिंग प्रक्रिया व दैनंदिन कच-यावर कंत्राटदाराने दि.३०.०५.२०२४ पर्यंत ओला व सुका कच-यावर प्रक्रिया केली असल्याने तसेच प्रक्रिया न केलेल्या सुक्या कच-यावर कंत्राटदारास दंडात्मक कार्यवाही करून प्रक्रिया करण्यांत आली आहे.

तरी साल सन २०२३-२४ व २०२४-२५ या वर्षात साचून असलेल्या २,४०,००० टना पैकी ४७,००० टन कच-यावर बायोमायनिंग प्रक्रिया करण्यात आली आहे. तरी मुल्यांकन करण्यासाठी देण्यात आलेला कालावधी आम्हास मान्य नाही.

तरी मुल्यांकन नुकसान भरपाई ~~आम्हास~~ लादण्यात येवू नये हि विनंती.
आम्हेंचेवर

आयुक्त

लातूर-शहर महानगरपालिका,लातूर