

BEFORE THE NATIONAL GREEN TRIBUNAL

WESTERN ZONE, PUNE

IN

ORIGINAL APPLICATION NO. 58 OF 2022



IN THE MATTER OF:

Aryavarth Foundation

...Original Applicant.

Vs.

M/s. RIA CETP Co-Op Society Ltd & Ors

...Respondents.

**AFFIDAVIT OF REPLY OF RESPONDENT NO.5 (SUDARSHAN CHEMICALS LTD)-TO THE SUPPLEMENTARY REPORT OF THE JOINT COMMITTEE-
DECEMBER 2024**

I, Mandar Velankar, son of Meenanath B. Velankar, aged 47 years, General Counsel and Company Secretary of Respondent No.5, having my office at 7th Floor, Eleven West Panchshil, Survey No. 25, near PAN Card Club Road, Baner, Pune Maharashtra 411069, do hereby solemnly affirm and state as under:

1. I am the authorized signatory of Respondent No. 5 (the "Company"). I am aware of the facts of the present case and am competent to depose thereto. I have read the Supplementary Report of the Joint Committee dated December 2024 ("said Report") submitted in compliance with the Order dated 22nd August 2024 of this Hon'ble Tribunal.

2. The present Affidavit is being filed in compliance with the Order dated 16th December 2024 passed by this Hon'ble Tribunal and for the limited purpose of dealing with the allegations made against the Company in the said Report. I crave leave of this Hon'ble Tribunal to file further affidavits, if necessary.
3. At the outset and for the sake of brevity, I repeat and reiterate in extenso all that is stated in the Affidavit in Reply. The Company denies each statement, allegation and insinuation made against it in the said Report. Nothing contained in the said Report shall be deemed to be admitted for want of specific denial unless specifically admitted by me herein.

RE: RESPONDENT NO. 2 HAS COLLECTED TOTAL 33 JVS FROM JULY 2017 TO JULY 2024. OUT OF THESE, 24 NO. OF JVS ARE NOT MEETING WITH THE STANDARD NORMS

- (i) At the outset, it is submitted that all samples taken by Respondent No. 2 are grab samples. The biological process in the ETP depends on many factors because it is a Activated Sludge Process (“ASP”) which involves the organic load, in the effluent, number of bacteria’s (micro-organisms) present in the effluent to decompose the organic load, food to microorganism ratio (F/M Ratio). It is a very complex chemical reaction and hence the grab sample being instant sample do not reflect the efficiency of ETP as well as its performance. Hence continuous flow specific monitoring of ETP for a period of 72 hours is required to judge the efficiency of the ETP. The grab sample represents the biological parameters at that time/instance. Therefore, the Company submits that 33 grab samples collected by MPCB over a period of July 2017 to July 2024 out of which 24 not meeting the norms are



all grab samples and show quality of effluent at that particular time and does not reflect the efficiency of the ETP scientifically. Moreover kind attention of the Hon'ble Tribunal is drawn towards the online continuous real time monitoring system installed by the Company at the outlet of ETP and connected to the MPCB Server, to measure the quality of treated effluent discharged by the Company. The Company further submits the annual average of the online continuous monitoring data over a period last years in the table marked and annexed as **Exhibit "A"**.

From the above table it is seen that the observed online monitoring system (24x7) for the above period shows all treated effluent parameters like PH, BOD, COD, SS are within the prescribed limits.

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- (ii) It is submitted that the Company was a member of Respondent No. 1 during 2005 to 2016 and was treating and discharging effluents through Respondent No. 1. Owing to the refusal of Respondent No. 1 to increase the Company's effluent output from 7.5 MLD to 12.5 MLD, the Company was constrained to resign as a member of Respondent No. 1. Further, Respondent No.1 in their general body meeting, decided that no further capacity enhancement would be provided and sent refusal letter dated 16th February 2016. A copy of the Resignation Letter dated 12th September 2016 is annexed as **Exhibit "B"**.
- (iii) In 2016, Respondent No. 4 and Respondent No. 2 gave their no objection certificate on 4th July 2016 and 13th July 2016 respectively to the Company for direct discharge of the treated effluents at the outlet of CETP through dedicated effluent disposal pipeline provided by MIDC. The Company also obtained EC on 25th January 2016

- (iv) Accordingly, the Company invested over Rs. 50 Crores to set up its own in-house Effluent Treatment Plant (“ETP”). As the Company upgraded its inhouse ETP and received direct discharge permission in 2016, there was no requirement for the Company to route its treated effluent through the CETP process.
- (v) It is also to be kept in mind that the present Original Application is silent regarding any reliefs sought by the Original Applicant against the Company. The suggestion put forward by the said Report unilaterally widens the scope of the Original Application by suggesting to consider a period for computation of environmental compensation (“EC”) when the Company was not even a member of Respondent No.1. Such arbitrary suggestions are on the face of it unjust and untenable.
- (vi) It is submitted that Respondent No. 1 is brazenly and falsely attempting to implicate the Company for its own shortcomings and wrongdoings. In fact, as a matter of practice, Respondent No. 1 has been channelling the Company’s treated effluents into the CETP at its own accord and benefit, to dilute the highly concentrated effluents of the member industries. On one hand, Respondent No. 1, at its own volition and benefit, has been using the Company’s treated effluents for dilution purposes and on the other hand, Respondent No. 1 has sought to maliciously shift the liability on the Company by misleading this Hon’ble Tribunal.
- (vii) It is submitted that the Company has a full-fledged ETP with state-of-the art technologies. The Company has segregated high COD and low COD streams. High COD wastewater is treated using Fenton technology and this chemically oxidized wastewater is mixed with other waste water streams for



further treatment comprising of primary, secondary and tertiary treatment facilities treating waste water efficiently round the clock and up to the standards. Pollution control systems and treatment facilities are operated by highly skilled technical staff who are keeping a close watch on each and every unit's functioning and analysing the parameters stage wise and shift wise to ensure parameters as per design.

- (viii) Assuming whilst denying that the Company has exceeded permissible limits, it is important to consider several factors that may have contributed to these results, as these are grab samples and may be affected by sampling conditions, environmental variability, temporary changes in industrial activities, variation in sampling. Moreover, all the samples are grab samples. It is submitted that whenever there has been a deviation, corrective action has been taken.
- (ix) As per the Consent to Operate, the Company has been discharging its treated effluent in the final treated effluent MIDC sump as per the permission granted by Respondent No. 2. It is pertinent to submit here that Respondent No. 1 partly takes the Company's treated effluent in to anoxic tank as per their need for diluting the concentrated effluent received from other members of Respondent No. 1. This is done for better and effective treatment in the CETP. Rest of the treated effluent of the Company is pumped from the final treated effluent disposal sump by MIDC through a close pipeline in the saline zone.
- (x) It is submitted that as per the specific request of MIDC though it is not a CSR activity the Company shall also be paying the treated effluent treatment charges for 6.5 MLD treated effluent of the Company to Respondent No.1

i.e. Roha CETP which will be used for diluting the concentrated effluent received from member units of Respondent No. 1.

- (xi) The analytical results of the treated effluent samples collected by Respondent No. 2 for the last two year consistently shows that the PH, SS, BOD, COD oil and Grease are within Respondent No. 2's consented limit.
- (xii) The Joint Committee cannot expand the scope of the present Original Application by speculating that deviations may have occurred or form part of the record maintained by Respondent No.2 with regards to the Company.
- (xiii) The Company is not a member of Respondent No. 1 and therefore cannot be held to the same liability.

4. The Company is not responsible for functioning or operations of Respondent No.1. It is humbly submitted that the Company has not contributed to polluting the environment.

5. In view of the above Respondent No.5 submits and prays to the Hon'ble Tribunal not to propose EC on the following grounds:

- a. Respondent No.5 has resigned as a member of Respondent No.1 well before the period for which EC is proposed by the Joint Committee (i.e. Respondent No 5 resigned on 12th September 2016 and the Joint Committee has proposed EC from April 2017 to March 2023.
- b. Respondent No. 5 was not a member of the CETP during various visits of the Joint Committee to CETP.
- c. Respondent No. 3 and Respondent No. 4 has granted permission for direct disposal of treated effluents of Respondent No. 5 on 4th July 2016 and 13th July 2016 i.e., at the 'outlet of CETP' prior the proposed EC period (i.e., 01st April 2017 to 31st March 2023.

- d. Respondent No.1 is brazenly and falsely attempting to implicate Respondent No.5 for its own shortcomings and wrongdoings for which Joint Committee has proposed EC for the period 1st April 2017 to 31st March 2023 when Respondent No.5 was not a member of Respondent No. 1.
- e. Though it is not CSR Activity till as per a specific request of Respondent No. 4 (MIDC) the Company shall also be paying the treated effluents charges for 6.5 MLD treated effluents of the Company used by Respondent No.1 for diluting the concentrated effluents received from its members to achieve the final treated effluents norms by Respondent No.1.
- f. The present Original Application is silent regarding any reliefs sought by the Original Applicant against the Company. The suggestion put forward by the said report unilaterally widens the scope of the application and the Joint Committee cannot expand the scope of the present application by speculating that deviations may have occurred or form part of the record maintained by Respondent No.2 without any authority with regards to the Company.
- g. Respondent No.5 i.e. the Company is meeting all the norms prescribed by the MPCB at the ETP Outlet as seen from the online continuous monitoring system installed by the Company at the outlet of ETP. However, the Joint Committee has proposed the Environmental Compensation (EC) based on the effluent samples collected at the outlet of CETP by Joint Committee and hence JVS samples collected by MPCB before 5-6 years cannot be the basis for computing the EC as proposed by the Joint Committee on the Company as it is beyond the scope and jurisdiction of the Joint Committee.

For Sudarshan Chemical Industries Ltd.

Solemnly affirmed at Pune)

On this day 5 of April 2025)



Melank
Mandar Velankar
DEPONENT
General Counsel & Company Secretary

VERIFICATION

I, Mandar Velankar, son of Meenanath B. Velankar, aged 47, General Counsel and Company Secretary of Sudharshan Chemicals, the Respondent No. 5 abovenamed, do hereby solemnly declare that what is stated in paragraphs 1 to 5 of the above Affidavit is true and correct, being based on my knowledge and based on information received by me and is believed to be true. **For Sudharshan Chemical Industries Ltd.**

Mandar
Mandar Velankar
General Counsel & Company Secretary
DEPONENT

Place: Pune

Date: 5 April 2025



P. J. Yelwande
P. J. YELWANDE
NOTARY GOVT. OF INDIA
PUNE.

5 APR 2025

Notary and Registered
Serial Number *864*
Date *05.4.2025*





Exhibit A

Online Continuous Effluent Monitoring Results (Yearly Average)

Sr. No	Parameter	MPCB Standard	January 2017 to December 2017	January 2018 to December 2018	January 2019 to December 2019	January 2020 to December 2020	January 2021 to December 2021	January 2022 to December 2022	January 2023 to December 2023	January 2024 to December 2024	
1	pH	5.5 to 9.5	7.9	7.79	7.4	7.82	7.58	7.69	7.79	7.52	Within limit
2	Suspended Solid	100 mg/lit	23.65	41.59	53.75	56.17	87.87	85.7	91.48	42.05	Within limit
3	Chemical Oxygen Demand	250 mg/lit	101.91	176.84	179.78	193.29	188.29	184.31	133.26	127.54	Within limit
4	Biochemical Oxygen Demand	30 mg/lit	17.56	17.4	17.38	18.48	22.03	17.71	14.53	14.34	Within limit



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EXHIBIT B

SUDARSHAN

Sudarshan Chemical Industries Limited
46, MIDC Estate, Dhatav, Roha,
Dist. Raigad 402116, India
Tel.: +91 2194 263 531 Fax: +91 2194 263 602

12th September, 2016

To,
RIA CETP,
Dhatav, Roha
Attn: Mr. P P Bardeshkar
Sub: Discontinue our membership to the CETP



Dear Sir,

We would like to inform you that we have been treating our effluent which meets all parameters as mandated by Pollution Control Board and are granted permission by MPCB and MIDC to directly discharge our effluent in the MIDC disposal line. With regards to this, we want to discontinue our membership to the CETP with immediate effect.

We thank you for the cooperation given to us during our association with CETP.

Regards

Yours Truly,

For Sudarshan chemical Industries Ltd

B N Kadam

General Manager --Works

RIA-CETP CO-OP. SOCIETY LTD.
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MIDC, Dhatav-Roha,
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