

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.93 OF 2023

BETWEEN :

Taloja Industries Association

..Applicant

Vs

Ministry of Environment,
Forests and Climate Change
and Ors.

...Respondents

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Little & Co.

Advocate for Respondent No.5 (MIDC)

Mumbai 400 001.

BEFORE THE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****ORIGINAL APPLICATION NO.93 OF 2023****BETWEEN:**

Taloja Industries Association

..Applicant

Vs

Ministry of Environment,
Forests and Climate Change and Ors.

...Respondents

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 5 (MIDC)
IN COMPLIANCE OF ORDER DATED 1ST AUGUST 2023 PASSED
IN IA NO. 162 OF 2023 IN OA NO. 93 OF 2023.**

I, Mr. Deepak H. Bobade, Deputy Engineer of Maharashtra Industrial Development Corporation, the Respondent No. 5, in above Application having my office at MIDC Sub- Division, CFC building, Opposite Dena Bank, Taloja, Dist. Raigad do hereby state on solemn affirmation on behalf of Respondent No. 5 as under:

1. I say that I have read the copy of the above Original Application and Interim Application and I have perused the relevant records pertaining to above Application as available in my office and being



conversant with the facts and circumstances of the case, I am able to depose to the same. I am filing the present Affidavit in reply, to place on record the factual position in respect of the allotments made as mentioned in the aforesaid Application. I crave leave of this Hon'ble Court to file further Affidavit, if necessary.

MIDC ACT AND POWERS AND FUNCTIONS OF MIDC.

2. I say that MIDC has been established under Maharashtra Industrial Development Act, 1961 (hereinafter referred to as the MID Act for the sake of brevity). I say that the aim and objects of MID Act is to make special provision for securing the orderly establishment in industrial areas and industrial estates of industries in the state of Maharashtra, and to assist generally in the organization thereof, and for that purpose to establish an Industrial Development Corporation (hereinafter referred to as "MIDC"/"Corporation"/"Answering Respondent No.5" for the sake of brevity), and for purposes connected with the matters aforesaid.

3. I say and submit 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.



4. I say and submit that the functions of MIDC are generally to promote and assists 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, develop industrial areas at the place selected by the State Government for that purpose 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 Corporation is established and all matters connected therewith.

5. I say and submit that an industrial area under the MID 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 MID Act means any site selected by the State Government, where the Corporation builds factories and other buildings and makes them available for any industries or class of



industries. Development under the MID 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.

6. I say and submit that MIDC has powers to acquire and hold property, moveable and immovable for the performance of any of its activities, and to lease, sell, exchange or otherwise transfer any property held by the Corporation on such conditions as may be deemed proper by the Corporation and also to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions.
7. I say and submit that the functions and powers of the Corporation are to develop industrial areas and industrial estates by providing amenities of road, street lighting, etc secondly to construct works and buildings, factory sheds and thirdly, to make available buildings on hire or sale to industrialists or persons intending to start industrial undertakings and to allot factory sheds, buildings, residential



tenements to suitable persons in industrial estates established or developed by the Corporation and to lease, sell, exchange or otherwise transfer any property held by the Corporation on such conditions as may be deemed proper by the Corporation.

8. I say and submit that the MID Act is that object of the MID Act is to carve our planned areas for industries. On one side there will be engineering industries and on the other there will be chemical industries. There will be localization of industries with the result that the residents and dwellers of towns and cities will not suffer either from the polluted air or obnoxious chemicals of industries or the dense growth of industries and industrial population, within and near about the residential areas. I say that power and functions of MIDC are detailed in Sections 14 and 15 of the MID Act.

MIDC AND POLLUTION CONTROL

9. I say and submit that in exercise of powers under Section 64 of MID Act, the Corporation 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. I say 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 MIDC. The said Regulations also detail the manner of disposal of land / open plot by MIDC. It provides that the Corporation 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/s 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, it is clear that MIDC Land Disposal Regulations, which are statutory in nature itself, provide for the allottee to abide by water pollution rules, regulations and bye-laws in force from time to time



as framed by the State Government or any other Authority as regards pollution of water.

I say that after the allotment of plot to an allottee, MIDC enters into Agreement to Lease with such allottee. I say that the terms and conditions of the Agreement to Lease are the standard terms under which initially only licence to enter upon the plot and carry out the construction of the factory is granted to the allottee. I say that under the said Agreement to Lease the allottee is required to construct the factory premises in accordance with the sanctioned plan within the time stipulated under the said agreement. I say that only after the construction of the factory as per the sanction plan as certified by the concerned authority, a separate lease is entered into with the allottee. I say that a standard Clause as regarding the environmental protection is incorporated in the Agreement to Lease entered into with the allottee. I say that Clause 2 (h) of the 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 thereunder



as also with any condition which may, from time to time be imposed by the Maharashtra Pollution Control Board. Constituted under the said Act, as regards the collection treatment and disposal or discharge of effluent or waste or otherwise howsoever and shall indemnify and keep indemnified the Lessor against the consequence or any breach or non-compliance of any such provision in condition as aforesaid."

10. Thus, it would be clear from the aforesaid that MIDC takes all the possible precautions in respect of environmental protection so as to avoid environmental damage to the area surrounding the industrial areas.
11. I say that apart from the aforesaid precautions the allottee is also required to take clearance from the Maharashtra Pollution Control Board for establishing and operating an industry on the plot allotted to it by MIDC and has to comply with the conditions imposed by the Maharashtra Pollution Control Board, before the said industry becomes operational. Thus, MIDC takes all possible precautions to avert environmental damage or problems relating thereto.



12.I say that Section 20 to 27 and 30 to 33 (A) of the said Water Act details various powers of the MPCB. Thus, it would be clear that MPCB enjoys various powers for the purpose of controlling the pollution and taking suitable action against industry which is believed to be causing environmental pollution. I say that MIDC which is the statutory corporation established under the MID Act does not have all these powers enjoyed by the MPCB. However, to the extent possible MIDC has imposed various conditions in respect of environmental pollution on the industry which includes inter-alia complying with all the restrictions and conditions imposed by MPCB while granting no objection for establishment as well as for operations of industry in any industrial area.

13.I say that thus it would be clear from the aforesaid that the nature of powers and functions of MIDC and MPCB are different. I say that the object of MIDC is to facilitate orderly establishment and growth of industries in State of Maharashtra whereas MPCB has been constituted for the purpose of controlling and restricting the pollution and activating pollution control measures so as to protect the environment. I say that the industrialization all over the world is affecting the environment but the modern world cannot do without

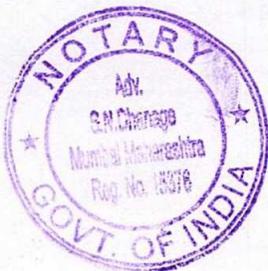


industries. Therefore the concept of sustainable development has evolved over the years. The development of industries along with environment protection or minimum adverse impact on environment is the modern thinking. I say that MIDC is also committed to environmental protection and has therefore evolved a mechanism whereby the industries in the industrial area are required to take prior environmental clearance before starting of industries and have to comply with all the terms and conditions of such clearance before starting production. I say that even Regulation 33 of the MIDC Disposal of Land Regulation itself cast statutory obligation on every allottee to comply with water pollution rules and regulations. I say that MIDC does not enjoy the statutory powers which are enjoyed by MPCB which is a specialized body constituted by the State Government under the Water (Prevention and Control of Pollution) Act, 1974 for controlling environmental pollution. It is expected that MPCB will carry out its functions diligently for controlling the environmental pollution. I say that in the instant case MPCB has sought to shift its obligation / duty of controlling pollution on MIDC which does not have the same powers which are enjoyed by MPCB for carrying out the functions and obligations cast upon it under the statute which has created MPCB.



14. ROLE OF MPCB:

- (i) The role of MPCB has been defined very clearly in MoEFCC's Centrally Sponsored CETP Guidelines, at Points No.5.1 to 5.12.7. For the sake of brevity, those are not reproduced here but are pointed out, referred and relied upon. I crave leave of this Hon'ble Tribunal to refer and rely upon the guidelines as and when required.
- (ii) The Water (Prevention and Control of Pollution) Act 1974 has cast duty and functions on SPCB under Section 17 of the Act and so also under Section 30. MPCB has the statutory functions u/s.17. If MPCB feels necessary, it has the power to obtain information under Section 20, power to take samples under Section 21, powers of entry and inspection under Section 23, Power to carry out certain works under Section 30. None of these powers are available with the MIDC.
- (iii) MPCB should guide the Taloja Industries Association who are the members of the CETPs i.e TEPS and TIMA as per the specific functions u/s. 17(f) and subsequent sub-sections. This function and expertise are available with the MPCB; and not with the MIDC.



15. STRICT AND ABSOLUTE RESPONSIBILITY FOR FAILURE TO TREAT EFFLUENT:

(i) The strict and absolute responsibility to treat the generated effluent to the standards that are laid down in the Consent to Operate is of the Member Industries and the CETP Society/Association of Industries. They are duty-bound by law and the conditions of the Consent, to limit the effluent quantity and quality to the acceptable inlet standards, as laid down in the consent.

(ii) The CETPs are dutybound to be vigilant, in not allowing the effluent from such defaulting industries to CETP.

16. I say and submit that Applicant is seeking directions against the Respondent No.4 i.e Maharashtra Pollution Control Board (MPCB) to consider its representation dated 16th July 2022 for rationalization of the discharge standards towards the MSME sector and directions for implementing the changes agreed in the meeting dated 10th March, 2023 more specifically seeking relaxation in COD & BOD norms for SSI Industries which is currently being at 250mg/l and 30 mg/l respectively. The Applicant has also prayed that the MPCB may be directed to consider providing different effluent



standards to different operating industries and that the Respondent No.5 i.e MIDC be directed to complete the Work of the deep-sea discharge pipeline in order to safeguard the environment. Hence I shall limit by response in respect of the prayer sought against MIDC. I say that MIDC does not pursue this as adversary litigation and is taking sincere and effective steps in completing the work of deep-sea discharge pipeline.

17. I say that the Hon'ble Tribunal vide its order dated 1st August 2023 decided the Interim Application No. 162 of 2023 in the captioned Original Application filed by Taloja Industries Association (TIA) wherein the Hon'ble Tribunal granted liberty to the applicant to amend the Original Application as Original Application is at the stage of the admission and the Hon'ble Tribunal has allowed the incorporation of the amended prayers of the Applicant within three days.

18. I say that the Hon'ble Tribunal has made certain observation vide its order dated 27th February 2023 passed in Original Application No. 17/2023(WZ) wherein the Hon'ble Tribunal directed the Respondent No.4 (MPCB) to dispose of the applicant's representation /application dated 16th July 2022 within 15 days.



19. I say that the order dated 1st August 2023 records that the Applicant submitted to the Hon'ble Tribunal that a meeting dated 10th March 2023 was conducted by MPCB with Taloja Industries Association, CETP operators and MIDC officials and accordingly as per minutes of the said meeting following decisions were taken:

"a. The Steering Committee shall be constituted consisting of officials of MPCB, MIDC & CETP operators to assess the functioning of CETP and suggest remedial measures.

b. The MIDC shall submit Time Bound Action Plan towards installation of SCADA system. MIDC shall monitor all industrial effluent generating member industries through SCADA.

c. The MPCB to consider grant of consent to the industries for expansion and change of product in accordance with the law & in the light of various orders passed by Hon'ble NGT and all other Courts.

d. The existing disposal standard of 250 mg/1 for the parameter COD may be relaxed for SSI units as requested by the association subject to provision of online monitoring system and SCADA positive discharge with lock and key arrangement.

e. The officials of MPCB and MIDC shall visit the CETP and submit further remedial action plan to the authority of the Board.



f. No exemption will be granted for obtaining EC by the industries as required under the notification as amended."

20. I say that it is the case of the Applicant that the decisions, which have been taken long back i.e, on 10th March 2023 have not yet been implemented by the Respondent No.4 MPCB. Therefore, the present Original Application has been filed that the decisions of the minutes of the meeting dated 10.03.2023 should be implemented. I say that the Hon'ble Tribunal vide its order dated 1st August 2023 has admitted the Original Application and directed the registry to issue Notice to the Respondents within 04(four) weeks. Annexed hereto and marked as **Exhibit-"A"** is copy of order dated 1st August 2023.

21. I say that the following are the submissions of the Respondent No.5 Corporation (MIDC):

- a. I say that the Corporation after the meeting dated 10th March 2023 started taking effective steps for compliance of the decision and issued a **"Work Order"** dated 23rd May 2023 to one M/s. MEPL-GYAN(JV) for "replacing the existing disposal line situate in mangroves and extension of disposal line by 3.30km in Waghivali Creek" for a tune of Rs.94,07,51,732.58/- (Rupees Ninety Four Crores Seven Lakhs Fifty One thousand Seven Hundred and Thirty



Two) only for a term of 36 months including monsoon beginning from 23rd May 2023 till 22nd May 2026. I say that after the existence of the said work order the contractor/agency has started the bathymetry survey which was carried out and 630 mm OD HDPE pipeline of length 3.70km out of 7.44km were procured at the site. Annexed hereto and marked as **Exhibit "B"** is copy of Work Order dated 23rd May 2023. Also time to time MIDC has replaced the effluent collection and disposal system by HDPE pipeline. The cost of this remodeling of pipeline amounting to 70 Cr (approx..) is spent by MIDC alone.

- b. I say that the as per decision 'b' of the order dated 1st August 2023 i.e *The MIDC shall submit Time Bound Action Plan towards installation of SCADA system and MIDC shall monitor all industrial effluent generating member industries through SCADA*. I say that *the MIDC has processed the plan towards installation of SCADA system and the Respondent No.5 is waiting for the Administrative Approval from the higher authorities of the Respondent No. 5 of Rs. 18,000,00/- on the same. I say that after receipt of such approval the installation of SCADA system will be implemented upon issuance of tender which shall require 3 months. I say that upon*



successful identification of a bidder/tenderer the tender shall be for a period of 12 months for an estimated cost of Rs. 18,00,000/-.

c. I say the Respondent No.5 (MIDC) is relying upon 10th Review Meeting dated 30th April 2021 constituted as per the order dated 17th August 2021 passed by the Hon'ble NGT, New Delhi in OA NO. 125 of 2018 filed by one Arvind Mhatre. I say that as per compliance a three-member monitoring Committee was constituted to execute the various orders of this Hon'ble Tribunal.

d. I say and submit that the 10th Review Meeting of Talaja Monitoring Committee was held on 30th April 2021 and was attended by all the Members and Stakeholders i.e. Maharashtra Pollution Control Board (MPCB), Talaja CETP Co-Operative Society Ltd. (Talaja CETP), Talaja MIDC, Talaja Manufacturers Association (TMA), Talaja Industries Association (TIA), Panvel Municipal Corporation, City and Industrial Development Corporation Ltd. (CIDCO) and Ors.

e. I say that the Hon'ble Chairman of the Committee enquired with the answering Respondent No,5 (MIDC) about the status of



extension of treated effluent disposal pipeline by 3.3 km into deep sea as per recommendation of NIO.

- f. I say that Respondent No.5 informed to the Hon'ble Chairman that the Administrative Approval and proposal for this aforementioned work is accorded by the Competent Authority of MIDC and the said work will cost to Rs. 90.92 crores and Rs. 104.56 crores and the Corporation vide Order No. CEO/AA/4579 of 2020 dated 17/06/2020 has appointed a consultant for obtaining permission from MoEF & CC for the said work. I say that the officials of the MIDC informed the Hon'ble Chairman that consultant has already started the work and has completed the EIA/Rapid EIA and also CRZ mapping with IRS, Anna University, Chennai. I say that officials of the MIDC further informed to the Hon'ble Chairman that the application is submitted to MCZMA for their recommendations on 25th November 2020 and the same was kept before the committee in the 152nd Meeting of MCZMA dated 16th February 2021. The MCZMA has recommended the proposal to MOEF & CC, New Delhi. Accordingly, the application is further submitted to MoEF & CC on 16th April 2021 for getting the CRZ clearance. The proposal got CRZ permission from MOEF & CC on 4th August 2021. Annexed



hereto and marked as **Exhibit- "C"** is the copy of the MOEF& CC permission dated 4th August 2021. I say that the Respondent No. 5 was also asked to obtain NOC permission from Maharashtra Maritime Board. Accordingly, an application was made on 17th November 2022. I say that after follow-up the Maharashtra Maritime Board issued their NOC on 31st August 2023. Annexed hereto and marked as **Exhibit- "D"** is the copy of the NOC of Maharashtra Maritime Board received on 31st August 2023. Thus, the work of extension of effluent disposal line has started and shall be completed by 22nd May 2026.

- g. I say that the Hon'ble Chairman of the Committee enquired with the officer of the MIDC with respect to how much time it will take to complete the extension work after getting CRZ permission.
- h. I say that the Respondent No.5 informed the Hon'ble Chairman that as per the regular procedure after tendering, it will take 24 months, but may try to expedite the work within 18 months and Mr. Patil further informed to the Hon'ble Chairman that they have appointed M/s KDC-Aqua (JV) who is operating CETP and are regularly



the outlet treated effluent will achieve the MPCB prescribed standards.

l. I say that Respondent No.5 submitted/informed to the Hon'ble Chairman that the rehabilitation and upgradation work of CETP *was* completed on 20/08/2021. In this project MIDC has rehabilitated CETP which was in a very dilapidated condition. After this MIDC Up-graded and expanded the CETP from 22.5 MLD to 27.5 MLD for standard MPCB norms. The CETP is now performing well and about 90% reduction achieved in inlet COD load.

m. I say and submit that at the time of meeting Mr. Madhukar Naik, M/s KDC-Aqua (JV), Contractor and Operator of Taloja CETP presented the status of the work of CETP including various civil units and equipment along with the comparison of old and new situation with photographs. He further stated that the sludge has been removed from sump no.2 near Ghot Village and presently CETP is receiving the effluent having COD load between. 2500 mg/l to 3000 mg/l as in past it was in the range of 5000 mg/l to 6000 mg/l.



- n. I say that the Chairman has expressed appreciation of the work done by the Contractor of the Respondent No.5, in this project and for completing the project despite many hurdles faced by him because of COVID-19 situation and remarked /noted that the work which was not done for 20 years was completed by the Respondent No. 5 through its contractor within 2 years and 6 months. Annexed hereto and marked as **Exhibit- "E"** is the copy of 10th Review Meeting dated 30th April 2021.
- o. I say and submit the answering Respondent No.5 MIDC have complied with the decision mentioned in "e" i.e *The officials of MPCB and MIDC shall visit the CETP and submit further remedial action plan to the authority of the Board* as per minutes of the meeting dated 10th March 2023.
- p. I say and submit that the officials of the MPCB and MIDC visited the Talaja CETP on 9th August 2023 and 23rd August 2023.
- q. However after the visit of the CETP the Respondent No.4 MPCB vide its letter dated 24th August 2023 issued a directions under section 33A of the water (Prevention & Control Pollution) Act 1974 and/or 31A of Air (Prevention & Control Pollution) Act,1981 to the Respondent No.5 to take necessary steps as the MPCB alleges that



there was non-compliance on the part of the MIDC when joint-inspection of the CETP was carried out .Annexed hereto and marked as **Exhibit "F"** is the copy of letter dated 24th August 2023 issued by the MPCB to MIDC.

- r. I say that the answering Respondent No.5 MIDC vide its letter dated 30th August 2023 has given its point wise response to the letter dated 24th August 2023 of the MPCB and informed the Regional Officer of the MPCB that the MIDC has complied with all the directions. Annexed hereto and marked as **Exhibit-"G "** is the copy of reply letter dated 30th August 2023 to the letter dated 24th August 2023 of MPCB.
- s. I say and submit the answering Respondent No.5 MIDC have complied with the decision mentioned in "a" of the order dated 1st August 2023 i.e *The Steering Committee shall be constituted consisting of officials of MPCB, MIDC & CETP operators to assess the functioning of CETP and suggest remedial measures.*
- t. I say that the SRO Taloja of the MPCB vide its email dated 29th August 2023 informed the Respondent No.5 MIDC and contractor of the MIDC, Aqua Chem about the 1st steering committee meeting



which was scheduled on 4th September 2023 at 11:00am at Conference hall, Regional Office, 7th Floor, Raigad Bhawan, CBD Belapur, Navi Mumbai and the said meeting will be chaired by Jt. Director (WPC) MPCB.

u. I say that on 4th September 2023 the Official's of MIDC from Regional Office, Talaja and Executive Engineer presented themselves before the Conference room of the Raigad Bhawan when the secretary of Jt. Director (WPC) MPCB orally informed the MIDC's Officers that they have cancelled the 1st steering committee meeting. However, I say that the MPCB without prior intimation informed the officers of the Respondent No. 5 who attended the venue that the meeting is postponed. No further date of the meeting was specified. Annexed hereto and marked as **Exhibit – "H"** is the copy of email dated 29th August 2023.

v. I say that the Respondent No.5 MIDC issued one more Work order dated 22nd August 2023 in favour of M/s. K. D. Patil & Constructions for carrying out Annual maintenance of drainage collection and disposal main for Talaja Industrial Area. I say that the Corporation has accepted the cost of Rs.73,43,617.31 for carrying out the



annual maintenance work for a period of one year from 22nd August 2023 to 21st August 2024. Annexed hereto and marked as **Exhibit – "I"** is the copy of the Work Order dated 22nd August 2023.

w. I say that the Corporation time and again is taking efforts for maintaining the collection and disposal lines by taking external assistance from contractors who are technically sound and efficient by issuing work order for the said aforementioned works.

22. MIDC states that it has no special technical or scientific knowledge of operation and maintenance of CETP and depends upon outside agency for the said work. There is no propriety in continuing this futile exercise, without the support of Member Industries, Association and CETPs. Hence this Hon'ble Tribunal may consider the genuine efforts of MIDC and discharge it from the above application.

23. MIDC states that MPCB should take it upon themselves to run this CETP as model CETP under Section 30 of the Water (Prevention and Control of Pollution) Act 1974, since MPCB has issued direction under Section 33A of the water act to MIDC. However, where the role of MIDC will be facilitator only.

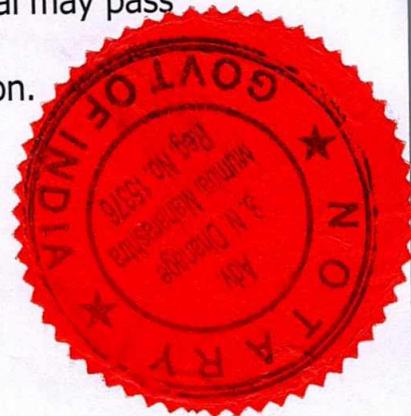


24. MPCB does have a lawful mandate under function under Section 17 and statutory powers to do this, and recover the cost of the same from the applicant association or the CETP Society and its Member Industries.

25. In light of the above, I say and submit that no case is made against the Respondent No.5 .

26. In view of the above circumstances, this Hon'ble Tribunal may pass appropriate orders and dispose of the present Application.

Solemnly affirmed at Mumbai)
on this 18th day of September, 2023)



Little & Co.

Partner
Advocates for the Respondent No.5

Before me,

DEPONENT

Deepak H. Bobade,
Deputy Engineer, MIDC

BEFORE ME

Adv. S. N. Dhanage
Notary Govt Of India
Regd. No. 15376 MUMBAI (MS)
404-405, 4th Floor, Davar House,
197/199, Near Central Camera Bldg,
B. K. Road, Fort, Mumbai - 400004

NOTED & REGISTERED

PageNo. 71 Sr.No. 512

Dated 18 SEP 2023



Item No.2

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No. 93/2023(WZ)
I.A. No. 162/2023(WZ)**

Taloja Industries Association

.....Applicant

Versus

MoEF&CC & Ors.

....Respondent(s)

Date of hearing: 01.08.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Mr. Saurabh Kulkarni, Advocate

ORDER

1. From the side of applicant, learned Counsel Mr. Saurabh Kulkarni has appeared, who has filed I.A. No. 162/2023(WZ), by which he has prayed that Notification dated 01.01.2016, which is annexed as Annexure -A1, be taken on record and that the applicant be permitted to amend the prayers in the original application as per the Annexure- A2. The learned Counsel has taken us through the prayers made in the Annexure-A2, which are as follows:-

- A. This Hon'ble Tribunal be pleased to pass directions to the Respondents to consider the representation in a specific time-bound period of the Applicant more particularly dated 16th July 2022, as all the points have not been considered in the meeting dated 10th March 2023;
- B. This Hon'ble Tribunal be pleased to direct the Respondent No.4 to implement the changes agreed in the meeting dated 10th March 2023 more specifically being the relaxation in the COD norms for SSI industries, currently being at 250 mg/l;
- C. The Respondent No.4 may kindly be directed to consider providing different effluent standards to different operating industries;



D. That the Respondent No.5 be directed to complete the work of the deep-sea discharge pipeline in order to safeguard the environment."

2. This I.A. has been moved by the applicant in pursuance of our previous order dated 07.07.2023, where-by we had instructed the learned Counsel to give clarity in the prayers of original application as the same were found to be vague.

3. Since this matter is at the stage of admission, we allow these prayers to be added in the original application and that the incorporation of amendment shall be made by the learned Counsel for applicant within three days.

4. Thereafter, we have heard the learned Counsel for applicant for admission of this matter.

5. The learned Counsel for the applicant has drawn our attention to the order of this Tribunal dated 27.02.2023 passed in Original Application No. 17/2023(WZ), whereby we had directed the MPCB to dispose of the representation/application dated 16.07.2022 moved by the applicant, within a period of 15 days. The learned Counsel for the applicant has apprised us that in view of that direction, a meeting of M/s. Taloja Industries* Association, CETP operators and MIDC officials was held by the MPCB on 10.03.2023, the minutes of which are annexed at page nos. 236-237 of the paper book, where-in following decisions have been taken:-

- a) *The Steering Committee shall be constituted consisting of officials of MPCB, MIDC & CETP operators to assess the functioning of CETP and suggest remedial measures.*
- b) *The MIDC shall submit Time Bound Action Plan towards installation of SCADA system. MIDC shall monitor all industrial effluent generating member industries through SCADA.*
- c) *The MPCB to consider grant of consent to the industries for expansion and change of product in accordance with the law & in*



the light of various orders passed by Hon'ble NGT and all other Courts.

- d) The existing disposal standard of 250 mg/l for the parameter COD may be relaxed for SSI units as requested by the association subject to provision of online monitoring system and SCADA positive discharge with lock and key arrangement.*
- e) The officials of MPCB and MIDC shall visit the CETP and submit further remedial action plan to the authority of the Board.*
- f) No exemption will be granted for obtaining EC by the industries as required under the notification as amended."*

6. It is urged by the learned Counsel for applicant that the decisions, which have been taken long back i.e. on 10.03.2023, have not yet been implemented by the MPCB. Therefore, the present original application has been filed making prayer that the said directions dated 10.03.2023 should be directed to be implemented as has been prayed in prayer 'B', which has been permitted to be added in the original application, besides three other reliefs in addition.

7. We admit this application.

8. Registry is directed to issue Notice to the respondents, returnable within 04(four) weeks.

9. Applicant is also directed to take necessary steps for service to the respondents by both ways (Dasti as well as by Registered Post) and also on available e-mail/WhatsApp and submit service affidavit within one week.

10. Applicant is directed to provide copy of the application and relevant documents to the respondents within a week.

11. Respondents are directed to submit their reply affidavit within three weeks and also circulate the same to Applicant as also other respondents by available e-mail.



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12. Rejoinder, if any, is directed to be submitted within one week thereafter.

13. Registry is directed to place this matter for further consideration on 26.09.2023.

I.A. No. 162/2023(WZ) stands disposed of.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

August 01, 2023
Original Application No. 93/2023(WZ)
I.A. No. 162/2023(WZ)
P.Kr





MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

Office of the Executive Engineer, MIDC, Division Alibag

Tel.No.: 02141-222257, E-mail : eealibaug@midcindia.org

IFMS No.I484 Date : 23/05/2023

Work Order

To,

✓ M/s. MEPL – GYAN (JV),
D 7, Commerce Centre, 78, Javaji Dadaji Road,
Tardeo, Mumbai 400034
Email :- gyanconstructionco@gmail.com

Sub: Talaja Indl. Area..... Replacement of existing disposal line in mangroves and extension of disposal line by 3.30Km in Waghivali creek.

Ref:- 1) Tender Notice No. ETN No. 72 of 2022-2023 (Mumbai) Dated 04/02/2023
2) Tender Open Dated On 31/03/2023
3) This office letter No.B54277 dtd.08.05.2023
4) Your letter No.MGJV/Talaja/001 dtd.17.05.2023

Dear Sir,

In response to this office letter under reference mentioned above, you have paid total Initial Security Deposit (ISD) amounting to Rs.1,88,15,701/- (Indian Rupee One Crore Eighty Eight Lacs Fifteen Thousand Seven Hundred One Only) in the form of Bank Guarantee (Rs.92,20,000.00 Bank Guarantee No. 013223IPG007450 Dated 11/05/2023, issued by Bank of Maharashtra, Bhawani Shankar Road, Dadar, Mumbai, valid up to 09/12/2026 and Rs.95,95,701.00 Bank Guarantee No.13940100019312 Dated 16/05/2023, issued by Axis Bank Limited, Mumbai, valid up to 30/11/2026) and completed the contract formalities in all respect, your offer to execute the subject work is finally accepted as detailed below.

01	Name of Work	Talaja Indl. Area..... Replacement of existing disposal line in mangroves and extension of disposal line by 3.30Km in Waghivali creek.
02	Cost Put to Tender	Rs. 75,44,11,975.00
03	Initial Security Deposit	Rs. 1,88,15,100.00
04	Tender Type	B1
05	Accepted Cost	Rs. 94,07,51,732.58 (24.70% Above)
06	Agreement No.	B-1/06 for 2023-2024
07	Time Limit	36 Months Including Monsoon
08	Date of commencement	23/05/2023
09	Stipulated Date of Completion	22/05/2026



10	Maintenance Period	24 Months
11	Rate of Compensation per day for Delay	Rs. 5,000.00
12	Labour Cess	1% Will be recovered from each RA bills.
13	Work Number (As per AX)	

You are therefore requested to start the work immediately under the supervision and instructions of **Deputy Engineer, Sub Div Taloja** and as per the terms and condition of tender agreement.

Necessary Insurance Policy may be taken **within one month from date of issue work order** or before 1st R.A. bill, whichever is earlier as per the tender contract condition mentioned under Insurance clause.

You are also requested to produce the labour license from the concerned office of the Labour Department, as per the Maharashtra Contract Labour Prevailing (Regulation and Abolition) Rules 1971 within 07 days from the date of this letter, failing, if any queries raised in this matter, you will be held responsible for the same.

The work should be completed in all respect within the stipulated time limit.

Please note all the letters under references are part and parcel of the tender documents. Your agreement is assigned as B-1/06 for 2023-2024. You are requested to make correspondence in future by referring the said agreement number for this work.

A certified copy of Agreement copy is enclosed for your record.

Thanking you,

Yours faithfully,

**Executive Engineer,
MIDC Division Alibag**

D.A. : As Above.

Copy Submitted to:

- 1) Copy submitted to the Chief Accounts Officer, MIDC, Mumbai-93.
- 2) Copy submitted to the Superintending Engineer (K), MIDC, Konkan Circle, Panvel.
- 3) Copy to The Assistant Labour Commissioner, Vighnaharta Complex, Sec.'B', Mumbai-Pune Road, Khanda Colony, New Panvel (W), Dist : Raigad.
- 4) Copy to Deputy Engineer, Sub-Division, Taloja for information & necessary action.
- 5) Copy to TB / Taloja
- 6) Copy to AR / Taloja
- 7) Copy to Original file.
- 8) Copy to guard file.



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F.No. 11-18/2021- IA III
Government of India
Ministry of Environment, Forest and Climate Change
IA-III Division (CRZ)

Indira Paryavaran Bhawan
Jor Bagh Road,
New Delhi- 110003
Dated: 4th August, 2021

To,

The Executive Engineer
M/s Maharashtra Industrial Development Corporation,
MIDC Civil Division Alibaug
MIDC Division Alibaug, Nagdongari,
Revas Road Alibaug,
Raigad-400093, Maharashtra

Subject: CRZ clearance for replacement of existing disposal line and extension of pipeline at Waghavali Creek, Talaja Industrial Area, District Raigad by M/s Maharashtra Industrial Development Corporation - regarding.

Sir,

This has reference to your online proposal No. IA/MH/CRZ/209367/2021 received in this Ministry on the above mentioned project proposal for CRZ Clearance, in accordance with the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011 issued under the Environment (Protection) Act, 1986.

2. The proposal was considered by the Expert Appraisal Committee (EAC) for Infrastructure Development, Coastal Regulation Zone, Building / Construction and Miscellaneous projects, in its 264th EAC held on 22/06/2021. The details of the project as per the documents submitted and presented during the aforesaid meeting are as under

- (i) The proposed project is for replacement of the pipeline for Carrying Treated Effluent from Talaja industrial area to Waghavali Creek.
- (ii) The total length of existing pipeline is 7.72 km.
- (iii) It is replacement of existing disposal line in mangroves in to non-mangrove area of 5.60 km and extension of disposal line by 3.30 km in Waghavali Creek" thus the total length of pipeline will be about 8.90 km.
- (iv) MIDC has developed Talaja Industrial Area on 907 ha. of land near Panvel in District Raigad. Talaja Industrial Area is fully developed & MIDC has provided all basic infrastructure facilities like concrete / asphalt roads with street lights, water supply system, effluent collection and disposal system along with sump and pump house in Phase-I and Phase-II. MIDC has also facilitated CETP, Hazardous Waste Management facility in Talaja Industrial area.

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- (v) Marine Disposal of Treated Effluent location of intake (Taloja CETP) and outfall- (Waghavali Creek bed up to through the disposal point) as given by NIO. The Geo-coordinates are at 19°00'14.5" N and 73°02'13.5"E.
- (vi) Out of 8.90 km, the total length traversing CRZ area is 7.2 km.
- (vii) The depth of outfall point will be 2.5m below of the bed and depth of outfall point from surface of water will be more than 5 m.
- (viii) The pipeline will be replaced by the existing diameter pipeline i.e. 630 m Dia. The existing disposal point of the pipeline was ch. 6320, now the disposal point at ch. 7720 in Waghavali Creek will be carried out by MIDC.
- (ix) To minimize the pollution level and as suggested by MPCB to extend the disposal location, the portion of this disposal line from Road Pali junction i.e. ch. 3130 m to ch.6320 m. will be laid along the edge of the creek.
- (x) National Institute of Oceanography (NIO) had carried out the study for the existing release location and based on that suggested a new disposal location has been decided considering the discharge.
- (xi) The diffuser will have 4 ports and each port will be separated with 0.197 m dia. The diffuser will be perpendicular to the estuarine bank. The ports will be aligned towards downstream and an indicator buoy will be placed at the diffuser location for navigational safeguards.
- (xii) The proposed pipeline falls in CRZ IA, IB, II & IVB area, as per approved CZMP.
- (xiii) The pipeline passing through 50 m buffer zone of Mangroves, however, No Mangroves to be cut or destroyed due to the project. There are no mangroves in the proposed alignment of the pipeline.
- (xiv) During the proposed project approx. 20 to 25 indirect employment will be generated.
- (xv) The total cost of the project will be ₹105 crores.
- (xvi) The Maharashtra Coastal Zone Management Authority has recommended the proposal for clearance *vide* its letter No. CRZ/2020/CR155/TC4, dated 2nd March, 2021.

3. Based on the recommendation of the Maharashtra Coastal Zone Management Authority issued *vide* its letter No. CRZ/2020/CR155/TC4, dated 2nd March, 2021 and information submitted as at para no. 2 above and information provided during the presentation before the Expert Appraisal Committee and others, the Ministry of Environment, Forest and Climate Change, in acceptance of the recommendation of the Expert Appraisal Committee (CRZ), hereby accords CRZ Clearance to the above project viz '*Replacement of existing disposal line and extension of pipeline at Waghavali Creek, Taloja Industrial Area, District Raigad, Maharashtra*', under the provision of CRZ Notification, 2011 and amendments thereto and subject to compliance of the following specific and general conditions as under:

PART A – SPECIFIC CONDITIONS:

- (i) All necessary clearance from the concerned authority, as may be applicable should be obtained prior to commencement of project or activity.
- (ii) The location of new discharge effluent shall be strictly as per suggestion of NIO stated as 19°00'14.5" N and 73°02'13.5"E.

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- (iii) As per the recommendation by NIO, monitoring for water quality, sediment quality and biological characteristics should be monitored in annually and appropriate remedial measures undertaken if required. Reports of the same to be submitted to the regional office of the Ministry.
- (iv) No groundwater shall be extracted to meet with the water requirements during the construction and /or operation phase of the project, within CRZ area.
- (v) The treated effluent discharged into the creek shall strictly conform to the standards prescribed by CPCB / SPCB from time to time.
- (vi) Prior approval of the High Court of Mumbai shall be obtained in view of the direction issued in connection with felling of Mangrove, if any, as project is situated in 50 m mangrove buffer zone area.

PART B - GENERAL CONDITIONS:

- (i) No excavated material during the construction shall be dumped in water bodies or adjacent areas. The site shall be restored to its near original condition after completion of construction.
- (ii) Management of solid waste in accordance with the Solid Waste Management Rules, 2016 shall be strictly implemented.
- (iii) 'Consent to Establish' and /or 'Consent to Operate' shall be obtained from State Pollution Control Board under the provisions of Air (Prevention and Control of Pollution) Act, 1981 and / or the Water (Prevention and Control of Pollution) Act, 1974, as may be applicable.
- (iv) No permanent labour camp, machinery and material storage shall be allowed in CRZ area.
- (v) Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.
- (vi) All liquid waste arising from the proposed development will be disposed of as per the norms prescribed by Central/State Pollution Control Board. There shall not be any disposal of untreated effluent into the sea/coastal water bodies. It shall be ensured that the wastewater generated is treated in the STP as committed by the project proponent. The treated waste water shall be reused for landscaping, flushing and / or HVAC cooling purposes etc. within the development. The project proponent should also make alternate arrangement for situation arising due to malfunctioning of STP. There shall be regular monitoring of standard parameters of the effluent discharge from STP under intimation to the SPCB.



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- (vii) Any hazardous waste generated during construction phase, shall be disposed off as per applicable rules and norms with necessary approvals of the State Pollution Control Board.
- (viii) A copy of the clearance letter shall be uploaded on the website of the concerned State Coastal Zone Management Authority/State Pollution Control Board. The Clearance letter shall also be displayed at the Regional Office, District Industries Centre and Collector's Office/ Tehsildar's office for 30 days.
- (ix) A six-monthly monitoring report shall need to be submitted by the project proponent to the concerned regional Office of this Ministry regarding the implementation of the stipulated conditions.
- (x) The Ministry of Environment, Forest & Climate Change or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.
- (xi) Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
- (xii) The above stipulations would be enforced among others under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991, the EIA Notification, 2006 and the extant CRZ regulations.
- (xiii) Full co-operation shall be extended to the officials from the Regional Office of MoEF&CC, during monitoring of implementation of environmental safeguards stipulated. It shall be ensured that documents/data sought pertinent is made available to the monitoring team. A complete set of all the documents submitted to MoEF&CC shall be forwarded to the concerned Regional Office of MoEF&CC.
- (xiv) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.
- (xv) The Ministry reserves the right to add additional safeguard measures subsequently, if considered necessary, and to take action to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner, including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, for non-compliance.
- (xvi) All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponent from the respective competent authorities.

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(xvii) The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board (SPCB) and may also be seen on the website of the Ministry of Environment, Forest and Climate Change at <http://www.envfor.nic.in>. The advertisement should be made within Seven days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the concerned Regional Office of this Ministry.

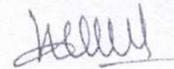
4. This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

5. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

6. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad / Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal.

7. The proponent shall upload the status of compliance of the stipulated conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB.

8. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of clearance conditions and shall also be sent to the respective Regional Office of the Ministry by e-mail.



(Dr. H. Kharkwal)
Additional Director
Scientist 'E' (CRZ)

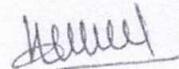
Copy to:

1. The Secretary, Environment Department, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai – 400032, Maharashtra.
2. The Chairman, (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5th Floor, New Administrative Building, Mantralaya, Mumbai – 400032, Maharashtra.



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3. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5th Floor, New Administrative Building, Mantralaya, Mumbai – 400032, Maharashtra.
4. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. PVR Cinema, Sion Circle, Mumbai-400 022, Maharashtra.
5. The Deputy Director General, Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur- 440001, Maharashtra.
6. Guard File/ Record File/ Notice Board.
7. Monitoring Cell.



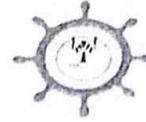
(Dr. H. Kharkwal)
Additional Director
Scientist 'E' (CRZ)





MAHARASHTRA MARITIME BOARD

Indian Mercantile Chambers, 2nd Floor, Ramji Bai Kamani Marg, Ballard Estate,
Mumbai - 400 001 Tel.: 022 69041777 Fax : 022 69041740
Website : <https://maharashtramaritimelb.gov.in>
Email: ceo.mmb@maharashtra.gov.in / ceommb@gmail.com



No. MMB/Planning4/MIDC-Taloja disposal pipeline/ 4110

13th AUG 2023

To,

The Executive Engineer,
Maharashtra Industrial Development Corporation
Office of the Executive Engineer,
MIDC, Alibag Division, Nagdongri, Rewas Road,
Tal- Alibag, Dist. Raigad – 402201.

Sub: Taloja Industrial Area....

**NOC for execution of work of existing disposal pipeline from chainage
3835.00M to 8356.00M up to existing disposal point in Waghivali creek.**

Ref: (1) MIDC Letter No. IFMS/Taloja/D49379/of2022, दि. 17.11.2022,
(2) MMB letter No. MMB/CEO/Planning-4/MIDC/968, dt. 01.03.2023
(3) MIDC letter no. /IFMS/Taloja/E26771/of 2023, dt. 10.08.2023

1. Please refer to your above-mentioned letter dtd 17.11.2022 regarding seeking approval for the replacement of an existing disposal pipeline in mangroves and the extension of a disposal line in Waghivali creek by 3.30 Km to reduce pollution levels in the creek, as suggested by Maharashtra Pollution Control Board. Accordingly, MIDC has proposed laying a 630 mm OD HDPE pipeline from the creek's center at a depth of 2.50m below the creek bed.
2. Your above proposal has been examined and studied at this office. MMB has requested, in a letter dated 01.03.2023, that the discharge point suggested by National Institute of Oceanography be changed, as well as the alignment of the proposed disposal pipeline, because there is a high possibility that the said pipeline will cause problems for the safe and easy navigation of vessels, as well as water pollution, which is likely to have an adverse impact on the MMB's operational and planned port facility projects such as shipyards, marinas, floating hotels, Passenger terminals etc. and water transportation services in the Panvel /Belapur creek area.
3. In this regards several meetings were held in MMB office with MIDC official to discuss and deliberate upon the proposed alignment of disposal pipeline. Pursuant to the said meetings, you have now proposed to grant permission to lay 630mm HDPE pipeline dia in Waghivali creek in two phases vide your letter dt. 10.08.2023.
4. This office has reviewed your above proposal. As there is no any hindrance or disruption to MMB's port activities due to proposed pipeline work in the first phase and considering the circumstances stated in your letter, the undersigned is pleased to issue this "No Objection"

NOC for execution of work of existing disposal pipeline in Waghivali creek in Phase One Page 1 of 4



under the provisions of Indian Ports Act-1908, Maharashtra Maritime Board Act-1996 and Government of Maharashtra, Home Department Resolution No.PDE0107/CR-19/Ports-2, dtd. 29.6.2007 only for the execution of work in Phase One for the initial portion of the pipeline from Chainage 3835.00M to the existing disposal point Ch. 8356.00M in Waghivali Creek, which is the jurisdictional area of MMB along the following mentioned points:

(a) Latitude 19° 02' 35.346"N, Longitude 073° 05' 40.207"E

(b) Latitude 19° 01' 16.850"N, Longitude 073° 03' 37.220"E

5. As proposed project situated in 50meter mangroves buffer zone area, this clearance is being granted subject to final decision of Writ Petition No 8380/2022 filed in the Hon'ble High Court.

6. This NOC will be subject to the following terms and conditions:-

- (a) MIDC should also obtain necessary NOCs/permissions from all other concerned statutory authorities / departments, including the Maharashtra Pollution Control Board (MPCB), City and Industrial Development Corporation of Maharashtra (CIDCO), and Navi Mumbai International Airport Pvt. Ltd. Navi Mumbai, in accordance with extant rules and comply with their requirements, for the proposed pipeline's laying in the creek.
- (b) MIDC should ensure that the proposed disposal pipeline should be laid as per the above-mentioned alignment route only and does not extend beyond chainage 8356M. Separate permission must be obtained from MMB for laying proposed pipeline beyond chainage 8356M upto chainage 11656M.
- (c) On completion of the work, in addition to producing a certificate from your consulting Engineer that the entire work of laying the disposal pipeline along with its protection has been carried out satisfactorily.
- (d) The date of commencement and completion of the work of disposal pipeline within the stipulated time frame should be intimated to Chief Executive Officer, Maharashtra Maritime Board, Office of the Hydrographer, Regional Port Officer, Mora Group of Port, Thane and concerned Port Inspector, Belapur Port.
- (e) On completion of laying the disposal pipeline, the entire detailed information regarding the project along with pipeline route and depth of laying it below the creek bed should be intimated to MMB.
- (f) The Maharashtra Pollution Control Board's prescribed norms for effluent release should be strictly followed.



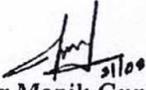
- (g) MIDC should take due care to avoid damages to any Government/Private properties and mangroves, if any, while laying the pipeline. MIDC would be responsible for any such damages' compensation/mitigation measures.
- (h) MIDC should not dispose of any dredged material during the course of disposal pipeline trenching work, in the creek area.
- (i) MIDC will be required to position suitable warning boards for general public in accordance with the extant guidelines at both the banks of the creek indicating the presence of the said pipeline.
- (j) MIDC will be responsible for paying compensation to local people for any losses during the course of laying of pipeline, as may be decided by the concerned Competent Authority.
- (k) MIDC should indemnify MMB against all claims, demands, proceedings, damages, costs, charges and expenses whatsoever and howsoever arise in respect of or in relation to the work of laying the disposal pipeline at any time.
- (l) MIDC will have no right or interest whatsoever in foreshore or other MMB's land/routes that have been used for laying of disposal pipeline.
- (m) MIDC should maintain the disposal pipeline at your cost. However, prior permission from MMB shall be obtained for maintenance work as and when necessary.
- (n) You will have to re-route/relay the pipeline at your cost and efforts, if it is required to do so for any future project of MMB/Government.
- (o) The Notification for "Right of Way" is under revision. Since the proposed disposal pipeline is passing through MMB's jurisdictional area, the "Right of Way" charges for crossing MMB's jurisdictional area in accordance with the Notification will be intimated later. MIDC will be required to pay the necessary charges whenever intimated from the date of commencement of laying the disposal pipeline irrespective of the date of issue of notification.
- (p) The validity of the clearance accorded to Maharashtra Industrial Development Corporation for laying the disposal pipeline under the provisions of Indian Ports Act-1908, Maharashtra Maritime Board Act-1996 and Government of Maharashtra, Home Department Resolution No. PDE0107/CR-19/Ports-2, dtd. 29.6.2007 will be only for a period of **THREE YEARS** from the date of issue of this NOC. In case of pipeline laying work does not commence within the period of three years, a fresh application has to be made for laying the pipeline.



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- (q) A Processing fees of ₹ 1,00,000/- + GST @18% = ₹ 1,18,000/- (Rupees One Lakh Eighteen Thousand only) should be paid to Maharashtra Maritime Board by way of Demand draft drawn in favour of "Maharashtra Maritime Board, Mumbai".
- (r) MIDC should convey unequivocal acceptance to the above conditions on a stamp paper of Rs. 500/- within 07 days, from the date of issue of this letter.
- (s) Any other condition(s) intimated from time to time by the undersigned himself or through his representative should be strictly observed. In case of breach of any of the above conditions, the undersigned reserves the right to take appropriate action as deemed necessary.

Thanking You,


(Dr Manik Gursal, IAS)
Chief Executive Officer
Maharashtra Marime Board, Mumbai

Copy to

1. Hydrographer, Maharashtra Maritime Board, Mumbai for information.
2. Marine Engineer & Chief Surveyor, Maharashtra Maritime Board, Mumbai for information..
3. Environment Engineer, Maharashtra Maritime Board, Mumbai for information
4. The Regional Ports Officer, Mora Group of Ports, Thane (E) for information and directive to monitor the laying of sewerage pipeline.
5. The Port Inspector, Belapur Port for information and necessary action.



Minutes of the 10th Review Meeting of the Talaja Monitoring Committee held through video conference on 30/04/2021, constituted as per the order dated 17.8.2018 passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 125/2018.

.....

Considering the Covid-19 pandemic condition and lock down situation and as per the directions of "Hon'ble Chairman, Talaja Monitoring Committee", 10th Review Meeting with all stakeholders was held online by using Microsoft Teams application to discuss compliance of various Orders / judgments passed by Hon'ble National Green Tribunal (Principal Bench), New Delhi regarding Original Application No. 125/2018 (M.A. No.334/2018).

Shri Arvind Mhatre filed an Original Application bearing No.125/2018 against the Ministry of Environment and Forests, Govt. of India & Others before the Hon'ble National Green Tribunal, Principal Bench, New Delhi regarding discharge of effluents into river Kasardi through a CETP which is being managed by Talaja CETP Co-Operative Society Ltd., the problems continue.

In compliance of Hon'ble NGT order dated 17/08/2018 a three Members Monitoring Committee was constituted of to execute the various orders. Actions have been taken by the stakeholders in line with action framework suggested



by the said monitoring committee. The Hon'ble NGT had passed an order dated 17th Feb 2020 & directed to CPCB and MPCB to continue the monitoring and give its report and the grievance of applicant to be considered by the committee constituted by the Tribunal.

This 10th Review Meeting of Talaja Monitoring Committee held on 30/04/2021 was attended by all the Members and Stakeholders i.e. Maharashtra Pollution Control Board (MPCB), Talaja CETP Co-Operative Society Ltd. (Talaja CETP), Talaja MIDC, Talaja Manufacturers Association (TMA), Talaja Industries Association (TIA), Panvel Municipal Corporation, City and Industrial Development Corporation Ltd. (CIDCO) and Ors. Following Members of the committee, officials/ representatives of the stake holders were present during the meeting:

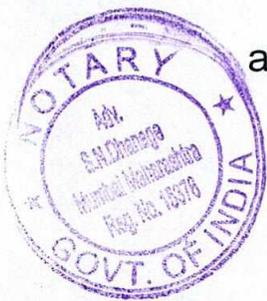
S.No.	Name		
1.	Hon'ble Shri Justice V.M.Kanade, Retd. High Court Judge, Mumbai	...	Hon'ble Chairman of Monitoring Committee
2.	Shri Prasoon Gargava Regional Director (W), CPCB	...	Member of Monitoring Committee
3.	Ms. Nidhi Choudhari (IAS) District Collector, Raigad	...	Member of Monitoring Committee
4.	Shri D.B. Patil, Convener	...	Regional Officer, MPCB, Navi Mumbai
5.	Shri. S. R. Wagh	...	Chief Engineer, MIDC
6.	Shri R.P. Patil	...	Executive Engineer MIDC, Alibaug
7.	Shri. Dhairyashil Jadhav,	...	Asst. Commissioner,



S.No.	Name		
			Panvel Municipal Corporation
8.	Shri. Shekhar Shingare	...	Representative of TMA
9.	Shri Satish Shetty	...	Representative of TIA
10.	Shri Arvind Mhatre	...	Petitioner
11.	Shri Madhukar Naik	...	CETP Contractor and Operator appointed by MIDC.
12.	Smt. Smita Gaikwad	...	Law Officer, MPCB, Sion, Mumbai

Regional Officer-Navi Mumbai welcomed all members and participants of the meeting and gave brief presentation about progress of the CETP along with present status. RO Navi Mumbai also briefed about compliance / present status of suggestions / actions directed by Talaja Monitoring Committee in its last review meeting dated 28.12.2020. He further informed that upgradation / rehabilitation work of Phase-I of capacity 12.5 MLD, Phase-II of capacity 10 MLD are already completed and Phase-III of capacity 5 MLD is commissioned and taken in operation. Average outlet analysis results of the parameter COD for the months from December (2020) to March (2021) are 571 mg/l, 514 mg/l, 1081 mg/l & 263 mg/l respectively and remarked that outlet parameters are exceeding and however near to compliance.

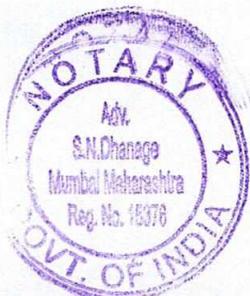
Hon'ble Chairman of the Committee inquired about action plan of restoration work of Kasadi River. RO, Navi



Mumbai informed that Board has sought proposal from IIT, Mumbai and NEERI, Nagpur. Further, Board vide their office order no.916 dated 20th January 2021 has constituted the committee for evaluation of these proposals. Based on Board's evaluation, District Collector, Alibaug vide letter dated 19th March 2021 issued offer letter to IIT Mumbai for preparation of DPR for restoration of Kasadi River.

Hon'ble Chairman of the Committee enquired about the status of extension of treated effluent disposal pipeline by 3.3 km into deep sea as per recommendation of NIO.

Shri R.P. Patil, Executive Engineer, MIDC, Alibaug informed that the Administrative Approval proposal for this work is accorded by the Competent Authority of MIDC, amounting to Rs. 90.92 crores and Rs. 104.56 crores vide Order No. CEO/AA/4579 of 2020 dated 17/06/2020. Simultaneously MIDC has appointed consultant for obtaining permission from MoEF & CC for this work. The consultant has already started the work and completed the EIA/Rapid EIA and also CRZ mapping with IRS, Anna University, Chennai. The application is submitted to MCZMA for their recommendations on 25th November 2020 and the same was kept before the committee in the



152nd Meeting of MCZMA dated 16th February 2021. The MCZMA has recommended the proposal to MoEF & CC, New Delhi. Accordingly, the application is further submitted to MoEF & CC on 16th April 2021 for getting the CRZ clearance. Now the proposal is in the process of getting CRZ permission from MoEF & CC. After getting the permission from MoEF & CC, the work of extension of effluent disposal line will be executed.

Hon'ble Chairman of the Committee enquired that how much time it will take to complete the extension work after getting CRZ permission.

Shri R.P. Patil, Executive Engineer, MIDC, Alibaug informed that as per the regular procedure after tendering, it will take 24 months, but may try to expedite the work within 18 months.

Executive Engineer, MIDC, Alibaug further informed that they have appointed M/s KDC-Aqua (JV) who are operating CETP and are regularly removing sludge from the CETP units and dry sludge are sent for scientific disposal to M/s. MWML, Talaja. The quantity of sludge disposal during the Months April (2020) to March (2021) was 1193.95 MT. Further, MIDC has appointed agency for periodical removal of sludge from effluent collection



sump at Ghot Village and sludge will be removed after each 3 months period. Recently entire sludge from the said sump was removed in month of March-2021.

Executive Engineer, MIDC, Alibaug further stated that as per the MPCB's directions all the member industries have provided positive discharge system for their treated effluent from ETP, as such there is less possibility of discharge of sludge. The effluent collected from Phase-II sump is pumped to CETP regularly as such, there is less possibility of accumulation of sludge. Further, MIDC has appointed agency for periodical removal of sludge from the said sump, as such there is no need of primary treatment.

Hon'ble Chairman of the Committee enquired about what is the present status of rehabilitation and commissioning work of CETP?

Executive Engineer MIDC, Alibaug stated that the rehabilitation and upgradation work of CETP for Phase-I & Phase-II is completed and commissioning work of Phase-III is completed and entire CETP is now taken in operation and it is in standardization and testing performance, i.e. in stabilization stage.



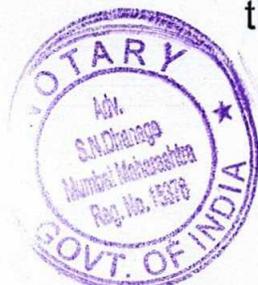
Hon'ble Chairman of the Committee then asked MIDC as to when the outlet treated effluent will achieve the MPCB prescribed standards.

Executive Engineer MIDC, Alibaug replied that CETP is now performing well and about 90% reduction achieved in COD load.

Shri Madhukar Naik, M/s KDC-Aqua (JV), Contractor and Operator of Taloja CETP presented the status of the work of CETP including various civil units and equipment along with the comparison of old and new situation with photographs. He further stated that the sludge has been removed from sump no.2 near Ghot Village and presently CETP is receiving the effluent having COD load between 2500 mg/l to 3000 mg/l as in past it was in the range of 5000 mg/l to 6000 mg/l.

Hon'ble Chairman of the Committee asked MIDC whether all the directions issued by Hon'ble NGT are complied and MIDC / KDC-Aqua operator stated that all the directions of Hon'ble NGT are complied with by MIDC.

Hon'ble Chairman of the Committee asked whether MIDC shall install CCTV at key points of Kasadi River so that any unauthorized and illegal discharge of effluent



from tankers will be prevented.

Executive Engineer, MIDC, Alibaug stated that the installation of CCTV at Key points of Kasadi River is not in purview of MIDC, however Police Department is on the job to install CCTV in MIDC Industrial Area, they are laying optical fibers for this purpose and we may request the Police Department to install the CCTV along the river side.

Hon'ble Chairman of the Committee directed District Collector, Raigad to request the Police Department to expedite the work of installation of CCTV at the key points of Kasadi River immediately.

Taloja Industrial Association (TIA) representative Shri Satish Shetty further informed that Industrial Association have contributed through their CSR fund about Rs.11 Lakhs to Police Department for the installation of CCTV.

Hon'ble Chairman of the Committee enquired how much duration it will take to complete the said work and TIA representative Shri Satish Shetty stated that the installation work of about 96 nos. of CCTV cameras are already installed and commissioning and testing work is completed. Hon'ble Chairman has appreciated for the said work.



Hon'ble Chairman of the Committee enquired about the provision of STP by Panvel Municipal Corporation to treat the sewage generated from township discharging domestic effluent to Kasardi River. MPCB is directed to take follow up with Panvel Municipal Corporation.

Regional Officer, M.P.C.B., Navi Mumbai informed that Executive Engineer Kalamboli, CIDCO Ltd. vide email dated 28th April 2021 has communicated award of work for provision of STP at Navade Phase-II township of the capacity 3.5 MLD and the work is in progress.

Hon'ble Chairman of the Committee enquired about the 9th Review Meeting suggestion of restriction for expansion and new establishment of industrial unit in MIDC Taloja area.

Regional Officer, M.P.C.B, Navi Mumbai further stated that Hon'ble NGT, Principal Bench, New Delhi vide its order dated 30th August 2019 has stated that "*There is no absolute bar to such units being set up if they are found to be viable. This clarification should take care of any possible apprehension that the order of the tribunal will obstruct any legitimate industrial activity. The MoEF & CC can forthwith devise an appropriate mechanism to ensure that new activity or expansion can take place after*



due precautions are taken in the areas in question by 'red' and 'orange' category of units". CPCB vide its letter dated 25th October 2019 has prepared mechanism with mitigation measures stipulating certain conditions for controlling Environment.

Considering this, the Board has started issuing consents for new activities / expansion for 'red' and 'orange' category in Taloja Industrial Area.

Hon'ble Chairman of the Committee enquired about Online Continuous Effluent Monitoring System (OCEMS) at inlet and outlet points and its connectivity to CPCB and MPCB Portal / Server.

KDC-Aqua Operator informed that small part of outlet OCEMS is under rectification and is sent to New Delhi, but due to Covid-19 pandemic situation is delayed.

Hon'ble Chairman has directed to complete the installation within 07 days after the Covid-19 pandemic situation is normal.

Regional Officer, M.P.C.B., Navi Mumbai has represented average monthly COD at the inlet and outlet of the CETP from January 2020 to March 2021 alongwith Graphs.



Hon'ble Chairman of the Committee asked about what is the reason for exceed of COD in the month of February-2021?

KDC-Aqua Operator informed that sometimes due to spike in the inlet effluent of CETP, outlet results are high, but as suggested by the Hon'ble Taloja Monitoring Committee, Expert Committee will be constituted having representatives of MPCB, MIDC, KDC-Aqua, TIA, TMA, PMC and the complainant and will keep vigilance to control such spike.

Regional Officer, Navi Mumbai has further informed that MPCB has taken meeting with the TMA, TIA and MIDC and informed that in case of exceeding the outlet parameters of their industrial effluent discharging to the CETP, the Board will take immediate action. The Board has earlier taken actions such as SCN, proposed Direction, closure Direction etc. against the defaulting industries in the past.

KDC-Aqua CETP Operator stated that they have installed setup for Bioassay Test and observed there is no death of single Fish during Bioassay Test and all 100% Fish survival. He further stated that about 7000 MT sludge has been removed and sent for scientific disposal to



CHWTSDF and regularly they have disposing the sludge to CHWTSDF.

Hon'ble Chairman of the Committee ensured that sludge shall be removed periodically from time to time and shall be scientifically disposed to CHWTSDF and further directed to constitute an Expert Committee having following representatives for addressing the grievance:

- 1) Representative from M.P.C. Board.
- 2) Representative from MIDC.
- 3) Representative from KDC-Aqua.
- 4) Representative from TMA.
- 5) Representative from TIA.
- 6) Representative from PMC.
- 7) Shri Arvind Mhatre-Petitioner

KDC-Aqua (CETP Operator) further stated that CETP sometimes receives some spike in inlet quality of effluent and thus need to identify the spikes whether it is due to tanker unloading or industry discharge etc. He further informed that MPCB has directed Taloja CETP to ensure compliance from all the effluent generating industries to make provision of positive discharge, Strainer, Lock &



Key arrangement, NRV with control equipment for discharge line, SCADA duly calibrated for pH, flow, BOD, COD, SS vide letter/ direction dtd. 07.01.2021. Thus, this mechanism will be useful for bringing the inlet parameters within limit.

Hon'ble Chairman of the Committee asked about time duration required for installation of said system to the industries.

KDC-Aqua CETP Operator informed that it may take about 3 months for installation of the said system. Considering the present Covid-19 situation, Hon'ble Chairman of the Committee directed to ensure the installation of said system within minimum 3 and maximum 6 months by MIDC, MPCB and KDC-Aqua CETP Operator.

KDC-Aqua CETP Operator further informed that they have installed the CCTV cameras in the CETP premises and done the tree plantation.

Hon'ble Chairman of the Committee enquired about the status of Kasadi River restoration work. The Regional Officer, M.P.C.B., Navi Mumbai stated that the Board has called proposal from IIT, Mumbai and NEERI, Nagpur.



Further, the Board vide its office order no.916 dated 20th January 2021 has constituted the Committee for evaluation of these proposal. Based on Board's evaluation, District Collector, Alibaug vide letter dated 19th March 2021 issued offer letter to IIT Mumbai for preparation of DPR for restoration of Kasadi River. But due to present Covid-19 situation, IIT Mumbai has delayed the work.

Shri. Prason Gargava, Regional Director, CPCB and Member of Talaja Monitoring Committee suggested following concluding points:

1. Significant works in terms of repair, maintenance, rehabilitation and augmentation has been done in CETP of Talaja. The trends of results showed significant improvements in terms of inlet concentration at CETP and outlet results consistently for quite a significant time during last year. However, it is gathered from the data presented during the meeting on 30th April, 2021 that the inlet concentration values of COD are increasing again and ranged between 3760 to 6128 mg/l during the period of January, 2021 to March, 2021 against the designed inlet limit of 2700 mg/l. It is indication of going back to the scenario of the year 2018. Moreover, the outlet concentration of COD for the same period has been reported



ranging from 263 to 1081 mg/l against the prescribed limit of 250 mg/l. Further, the reduction with the help of dilution with fresh water cannot be ruled out, as the current treatment system cannot technically justify such a drastic reduction in concentration values of COD and TDS. The CETP has occasionally received acidic effluent also at inlet which is required to be controlled by proper joint surveillance mechanism to prevent damage to the newly augmented systems.

2. It is very much important to make the joint surveillance system functional in case of Taloja, as already suggested by the committee in the previous review meetings.
3. The quantity of industrial effluent discharge to CETP has been mentioned as 14.66 MLD by MPCB which is not matching with the hydraulic capacity of the CETP as well as not substantiating the need of the enhancement of hydraulic capacity by 5 MLD. MPCB was requested to recheck the aspect. It is also to mention that time series data of hydraulic load received and monitoring results have been emphasized by the committee in previous meetings but such data is not presented before the committee by CETP. The online effluent monitoring



system installed is again not functional and sent for repair. The CETP should have a robust system, as the online data of CETP is very crucial.

4. The presentation made by KDC-Aqua on behalf of CETP covered only the slides of old presentations to large extent. It was also suggested that any result, including of Bio-assay should be presented with date of result and time series data to show the trend. Trends of hydraulic loads received also not presented by CETP. The CETP is required to be very much focused on performance of CETP as well as compliance of member units to ensure controlled effluent at inlet. The CETP was also expected to keep a check on discharge of effluent by member units and action initiated in this regard is yet to be placed on record by CETP.
5. Besides implementation of restoration plan, it is important to expedite the works of extension of treated effluent disposal pipelines.

Shri. Arvind Mhatre - the Petitioner has raised and given in writing the following points: -

1. This meeting should not be the last and that the meetings should be held frequently, because CETP work has just started now.



2. Despite having list of violating Industries every month, MIDC has failed to take action on industries.
3. Inlet and outlet reports from Taloja CETP are not properly reported. It is shocking that Rs 75 crores have been wasted on the project, as results of Taloja CETP are still not met.
4. Many violating Industries, who have been given shut down notice for causing pollution, get to start their operations back immediately.
5. It is suggested that local level monitoring Committee be formed.
6. River cleaning work on the Kasardi River has not started yet. Rs. 15 crores fine, which has been collected from the Industries and deposited with the District Collector (Raigad), has not been used for Kasardi river restoration work.
7. The mangroves on the Kasardi River near the Navde village should not be destroyed, so the CIDCO has been directed to recognize the mangrove as a special zone.
8. 269 factories in Taloja MIDC pollute the river and have been ordered to close and shut down, so these industries should be penalized.
9. The final bill should not be issued to the CETP contractor till the work of Taloja CETP is completed satisfactory.



10. MIDC Chief Engineer Mr. Rajendra Sonje and Executive Engineer Mr. R P Patil, from the very first meeting of the Taloja Monitoring Committee had remarked that tender process for 3km extension of discharge point of CETP into the deep sea was in progress. Further, they had informed that present discharge point is not as per National Institute of Oceanography (NIO). In addition, MIDC had said that it is on the verge of alignment of pipeline route, within 15-30 days, the tender will be finalized. This discharge point is near the Kharghar Railway station (Sector 2, 8 and 10-Kharghar). However, till date there is no sign of the work execution. These types of false promises should not be done in an important open forum in presence of the Honorable Taloja Monitoring Committee members. Immediate legal action should be initiated against these officials for misleading the Committee.
11. Measures should be taken for pipeline leakage. As on 26/4/2021, a large number of pipelines have broken and toxic chemicals have been carried into the Kasadi River, polluting the water, destroying the mangroves and killing the fish.
12. CSR Funds in Taloja MIDC should be spent in Taloja area. It should be used for ambulances,



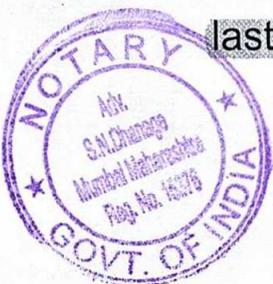
hospitals, schools, Kasadi River, upliftment of local villagers and other works.

13. Air pollution is on a large scale, as companies like IGPL, Deepak Fertilizers, Dorf Ketal, Lasons India are discharging toxic effluents into the Environment.

All the stakeholders and Committee Members have informed Hon'ble Chairman of the Committee that they have complied all the directions / order issued by Hon'ble NGT.

The Chairman expressed his overall satisfaction towards work done by all the stakeholders and decided to dissolve the Committee. Hon'ble Chairman further directed MPCB to constitute an Expert Committee to address and monitor the grievance.

The Chairman also expressed his appreciation of the work done by Shri Madhukar Naik, Managing Director of Aquachem, JV Partner of KDC-Aqua (JV), in this project. The Committee expressed its deep sense of gratitude to Shri Madhukar Naik for completing the project despite many hurdles faced by him because of COVID-19 situation in the last 1½ year as, stated Shri Madhukar Naik, the work which



was not done for 30 years was completed by M/s KDC-
Aqua within 2½ years.

Meeting ended with extending vote of thanks to the
Chair.

V. Kanade

**Justice V.M. Kanade (Retd.)
Chairman, Monitoring Committee**



MAHARASHTRA POLLUTION CONTROL BOARD
Regional Office - Navi Mumbai

Phone : 022-2757 27 40
Fax : 022-2757 1586
Visit us at :- <http://mpcb.gov.in>
e-mail : ronavimumbai@mpcb.gov.in



Raigad Bhavan, 7th Floor,
Sector-11,
C.B.D. Belapur
Navi Mumbai 400 614

No. MPCB/RONM/Direction/2308240003

Date: 24/08/2023

To

M/s. Executive Engineer
MIDC Taloja, Tal- Panvel,
Dist- Raigad.

Subject : Directions under section 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 and/or u/s. 31A of Air (Prevention & Control of Pollution) Act, 1981 to take necessary steps to Control water & Air Pollution.

- Ref:**
- 1) Consent granted to your CETP.
 - 2) Various complaints received to this office regarding Air & Water Pollution.
 - 3) Various Judgments /Orders passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original application No.125/2017 filed by Arvind Mhatre V/s MoEF & CC and Ors.
 - 4) Complaint by Shri. Rajiv Sinha & Shri. Sameer Patil to Hon'ble Lokayukta Vide complaint no.LA/COM/2149/2022(T-1).
 - 5) Board Officials visit to CETP on 09.08.2023 & 23.08.2023.
 - 6) News article published in Maharashtra Times dtd.10.08.2023.
 - 7) Legal Action Proposal submitted by SRO Taloja vide no. MPCB-LEGAL_ACTIONS-230823002

WHEREAS, the Maharashtra Industrial Development Corporation (MIDC) is the planning Authority for providing infrastructure facilities for the MIDC area and also to ensure that the industries located in the MIDC area should have been provided with proper water supply, roads, drainage lines including proper collection and sewerage line as well as treatment and disposal system to the waste water generated from their activities. **AND WHEREAS,** the responsibility of treated effluent discharge line is with MIDC and it was obligatory on your part to maintain the same properly.

AND WHEREAS, the Board has granted conditional consent to CETP wherein, it has directed to treat the effluent to the permissible limit / prescribed standards as mentioned in consent order.

AND WHEREAS, Hon'ble National Green Tribunal, Principal Bench, New Delhi passed the various Judgment time to time in Original application No.125/2017 filed by Arvind Mhatre V/s MoEF & CC and Ors. **AND WHEREAS,** the issue of pollution due



to industries in Taloja MIDC area and Taloja CETP raised in State assembly time to time through various starred/ un-starred LAQ, Calling Attention, also various news appeared in print and channel media, various complaints raised by various corporates, organizations, local villagers & peoples in and around Taloja MIDC and in Navi-Mumbai area in respect to the same issue. AND WHEREAS, a complaint was launched by Shri. Rajiv Sinha & Shri. Sameer Patil vide ref. no. 06 before Hon'bel Lokayukta wherein different issues related to control of pollution in Taloja MIDC were raised and various orders were passed by Hon'bel Lokayukta in this regard.

AND WHEREAS, Telephonic complaint received to this office regarding discharge of chemical mixed water into storm water drain. Accordingly the Officers of the Sub-Regional office, Taloja has visited to the said location on 14/08/2023 and reported that, MIDC chamber found overflow near Reshma Hotel and Infront of M/s. Pratap Re Roller Pvt.Ltd., Plot No.A/8/3, MIDC,Taloja and said effluent was found mixed into storm water drain which further leads to Kasadi River.

AND WHEREAS, based on the news article published Maharashtra Times, Navi Mumbai dtd. 10.08.2023 reg. the instigation of security and surveillance in MIDC Ambarnath-Badlapur to avoid illegal tanker discharge, similar squad and control unit need to be establish in the MIDC Taloja Area by MIDC authority.

AND WHEREAS, Board Officials visited to Taloja CETP on 09.08.2023 & 23.08.2023 and reported following non-compliances vide legal action proposal referred at Sr. No. 6:

1. No coagulant were used in process due to which primary CETP process is not yielding intended results and putting higher COD effluent to secondary system.
2. MLSS was blackish in nature which clearly reflected as dead bacterial culture.
3. No flow meter was found at inlet and outlet of CETP.
4. Smell nuisance was observed during visit. After installation of mobile monitoring van in CETP , BTEX (Benzene, Toluene, Ethyle Benzene and Xylene) values were observed crossing the threshold limit.
5. The OCEMS installed at outlet might be tampered (inference based on putting the sensor in inlet effluent, still it was showing regular outlet values of COD below 250 mg/L after 15 mins.) as well as data transferred at MPCB server through server of instrument supplier which is against the CPCB guidelines .
6. Dissolved oxygen level quoted by operator was in the range of 0.6 to 0.8 which is far below the acceptable level.
7. Previous JVS results are exceeding the consented standard.
8. Effluent carrying pipeline also chambers are chocked at some places and need to be cleaned.



9. Chambers are not covered at some places. Open chambers lead to illegal discharge of untreated concentrated effluent which causes serious environmental damage.

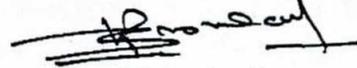
AND WHEREAS, after examining the records of your case, the reports of the Officers of the Board and after making necessary enquiries, I have observed that you have violated the consent conditions and provision of various Environmental Acts. This shows your negligent attitude toward Environment Protection.

NOW THEREFORE, in exercise of the powers conferred upon me by the Board u/s. 33 A of the Water (Prevention & Control of Pollution) Act, 1974, you are hereby directed to:

1. You shall take adequate measures to operate and maintain treatment of the CETP proper to achieve consented standards.
2. You shall provide flow metering system to the inlet & outlet of CETP.
3. You shall provide adequate chemical dosing in scientific and technical manner and also take suitable measures for complete mixing of chemicals with effluent and also is to be taken adequate measures for coagulation and flocculation.
4. You should operate and maintain aeration tank/bio-reactor as air blowers for aeration (diffused aeration) observed not in operation intermittently i.e. absence of dissolved oxygen.
5. You should operate and maintained aeration tank/bio-reactor as blackish in colour of aeration liquor and fouling smell/obnoxious odor was noticed, it indicates there is no live biomass in aeration tank/bio-reactor as it is the core heart of the process.
6. Repairing & cleaning of effluent carrying pipeline/chambers should be done on priority at various locations in MIDC area.
7. MIDC chambers should be cleaned periodically to avoid overflow and River/Nalla pollution and smell nuisance etc.
8. You shall make necessary provisions to provide covers to the MIDC chambers wherever missing/damaged.
9. You shall close the old effluent carrying pipelines. The operation & maintenance of drainage system shall be carryout properly so as to prevent the leakages of effluent into River/Nalla as well as in MIDC area.
10. You shall do intensive vigilance of chambers through CETP and also do surveillance within and in the periphery of Taloja MIDC area.
11. You shall take due care to prevent the water pollutions problems due to leakages of effluent from drainage network into River/Nalla as well as in MIDC area.
12. As & when incidence of leakage / breakage / blockage in chambers effluent carrying lines happens, you shall inform to all member industries regarding not to discharge industrial effluent to MIDC / CETP effluent carrying pipelines and immediately informed the same to MPCB.
13. MIDC should instigate the surveillance and vigilance units in MIDC Taloja boundary and within to avoid illegal tanker disposal.



Your reply shall reach this office within period of 07 days from date of receipt of this notice, failing which, further action as per the provisions of law will be initiated, which may please be noted.



(Satish Padwal)
Regional Officer, Navi Mumbai

Copy submitted for information to:

1. Member Secretary, M.P.C. Board, Sion Mumbai.
2. Joint Director, MPC Board, Mumbai

Copy f.w.c to:

1. Superintending Engineer (Kokan), MIDC Panvel:- You are requested to submit the action taken report at earliest.

Copy to:

Sub- Regional Officer, MPC Board, Taloja

He is directed to communicate the directions & take further necessary follow up for the compliance of this directions and communicate the Action Taken Report (ATR)





MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

MIDC, Division Office, Nagdongri, Revas Road, Alibag, Dist. Raigad-402 201
Tel. 02141- 222242 / 222257 (P) e-mail- eealibaug@midcindia.org

By RPAD/Hand Delivery

No. MIDC/Taloja/MPCB/IFMS- P31537/ of 2023 Date : 30/08/2023

To,
Regional Officer, MPCB,
Raigad Bhavan, 7th floor,
Sector-11, CBD Belapur,
Navi Mumbai- 400614

Subject:- Directions u/s 33A of the Water (Prevention & Control pollution) Act 1974 and/or u/s. 31A of Air (Prevention & Control of Pollution) Act, 1981 to take necessary steps to Control Water and Air Pollution.

Refence:- Your office letter vide No.
MPCB/RONM/Directions/2308240003 dated 24/08/2023.

MIDC has received the directions u/s 33A of the Water (Prevention & Control pollution) Act 1974 and/or u/s. 31A of Air (Prevention & Control of Pollution) Act, 1981 to take necessary steps to stop the discharge of effluent in to the river, issued vide letter under reference. MIDC has developed Taloja Industrial area in the year 1972. MIDC has provided the necessary infrastructure in the Taloja Industrial Area such as Roads, Water supply, street lights, fire station, common facility center, effluent collection and disposal system, CETP etc. The infrastructure provided is maintained by MIDC.

The points raised in the joint inspection are complied as below,

Regarding the issue of chamber overflow near Reshma hotel & in front of M/s Pratap Re Roller Pvt. Ltd., Plot No. A/8/3, MIDC, Taloja, on dated 14/08/2023 it is to state that, the choke up pipelines were cleaned immediately and



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overflow of chambers was stopped on the same day by the AMC contractor of MIDC. The overflow of effluent into the nearby nalla was blocked before leading to Kasardi river and same was pumped into effluent collection chamber. It is further brought to your notice that some industries discharges sludge along with the effluent into the MIDC effluent collection system causing pipeline choke up.

As regards to the complaint launched by the Shri. Rajiv Sinha, it is to state that Shri. Rajiv Sinha and Shri. Ankush Gaikwad visited CETP on 25/04/2023 along with MIDC officials. After detailed inspection they expressed their satisfaction regarding the functioning of CETP and treated effluent discharge system of CETP.

Regarding the visit of MPCB officials to the CETP on dated 09/08/2023 and 23/08/2023, compliances are as follows,

1. No Coagulant were used in process due to which primary CETP process is not building intended results and putting higher COD effluent to secondary system.

CETP O&M contractor M/s KDC-Aqua is using Lime slurry, PAC, Poly for primary treatment which gives good clarity with clear supernatant. Though there is lot of variations in Inlet parameters of CETP, efforts are made to homogenize the effluent received from various Industries like Chemical, Pharmaceuticals, Food, and Fisheries etc. to ensure the outlet parameters. MIDC has given necessary instructions to M/s KDC-Aqua for further improvements in the O&M of CETP.

2. MLSS was blackish in nature which clearly reflected as dead bacterial culture.

Coloured effluent being received in CETP which reflects in further process/ units of CETP but after activated sludge treatment, results are satisfactory. Secondary treated effluent is clear with slight/pale color which shows active bacterial culture. The Bio Assay test is also showing very good results in which survival of the fish is checked in three generations. The fish survival rate is more than 95%.

3. No flow meter was found at inlet and outlet of CETP.

Flow meters are provided at CETP. The same are under servicing, calibration and will be brought in operation soon.

4. Smell nuisance was observed during visit. After installation of mobile monitoring van in CETP, comma BETX (Benzene, Toluene, Ethyl Benzene and Xylene) values were observed crossing the threshold limit.



Smell at the inlet of the CETP is due to equalization of mix/combine type of effluent from various industries surrounding CETP premises. CETP contractor is making efforts to reduce it at the inlet. This combine effluent being homogenized at CETP with gentle mixing by advanced technology submersible mixers in equalization tank which reduces smell. Due to air emissions from surrounding industries of CETP in atmosphere it is generally misunderstood that smell nuisance is only from CETP.

5. The OCEMS installed at outlet might be tampered (inference based on putting the sensor in inlet effluent, still it was showing regular outlet values of COD below 250 mg/L after 15 mins.) as well as data transferred at MPCB server through server of instrument supplier which is against the CPCB guidelines.

OCEMS is installed and in operation at the inlet and outlet of CETP as per the directions of MPCB.

6. Dissolved oxygen level coated by operator was in the range of 0.6 to 0.8 which is far below the acceptable level.

Dissolved oxygen being monitored regularly. It varies in line with inlet characteristics, mostly DO is more than 1.8 which is within the acceptable limit.

7. Previous JVS results are exceeding the consented standard.

Despite of lots of higher Inlet parameters, CETP is being operated to its optimum capacity and efforts are made to treat the effluent to meet MPCB standards. Vigilance reports are also submitted to MPCB on each month.

8. Effluent carrying pipeline also chambers are choked at some places and need to be cleaned.

MIDC has appointed experienced agency for monitoring of the effluent collection system, routine maintenance and removing of chock-up lines/chambers. Whenever chock-up lines/chambers is observed immediately same is removed through the AMC.

9. Chambers are not covered at some places. Open chambers lead to illegal discharge of untreated concentrated effluent which causes serious environmental damage.

Covering of uncovered chambers is being identified through AMC and will be covered, if found uncovered.



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Regarding further directions of 33 A of the Water (Prevention & Control of Pollution) Act, 1974, the compliances are as follows,

1. You shall take adequate majors to operate and maintain treatment of the CETP proper to achieve consented standards.

As per the directions of the MPCB, MIDC has appointed expertise agency for the O&M of CETP to achieve the consented standards. CETP is operated round the clock basis to its optimum capacity. Vigilance reports being submitted to concern authorities for further action. Sludge being removed from the system and send to MWML regularly. Manifesto is submitted to MPCB through online system.

2. You shall provide flow metering system to the inlet and outlet of CETP.

Flow meters are provided at CETP. However, same are under servicing and calibration and soon will be brought in operation.

3. You shall provide adequate chemical dosing in scientific and technical manner and also take suitable measures for coagulation and flocculation.

Chemical dosing being done based on jar test reports to achieve adequate coagulation and flocculation. Flash mixer units are provided to achieve effective results. Also old equipments are replaced with new equipments for improvement in coagulation and flocculation.

4. You should operate and maintain aeration tank/bio-reactor as airblowers for aeration (diffused aeration) observed not in operation intermittently i.e. absence of dissolved oxygen.

Aeration tank blowers with diffused aeration system are in operation round the clock basis to achieve desired aeration.

5. You should operate and maintained aeration tank/bio-reactor as blackish in colour of aeration liquor and fouling smell/obnoxious odor was noticed, it indicates there is no live biomass in aeration tank/ bio reactor as it is the core heart of the process.

In aeration tank aeration being achieved by providing diffused aeration system at the bottom for efficient oxygen transfer. Air is supplied through Air blowers which are running continuously to maintain DO. Blackish/ Greenish colour persists due to coloured effluent received in CETP at inlet but biomass is active/healthy and settling within half an hour with clear supernatant. Bio culture from similar industries is being dosed to



enhance biomass development for effective performance of aeration system.

6. Repairing and cleaning of effluent carrying pipelines/chambers should be done on priority at various locations in MIDC area.

It is to state that, MIDC has carried out remodeling of entire effluent collection system in Talaja Industrial Area in the year 2019 by changing old pipelines with HDPE pipelines and construction of new RCC chambers. Also MIDC has appointed experience agency on annual contract for monitoring of this collection system, routine maintenance and removing of chock-up lines/chambers. Whenever chock-up lines/chambers is observed immediately same is removed.

7. MIDC chambers should be cleaned periodically to avoid overflow and River/Nalla pollution and smell nuisance etc.

Whenever chock-up lines/chambers is observed immediately same is removed. During removal of chock-up pipelines many a times it is seen that, these lines/chambers are chocked up due to discharge of heavy sludge by industries and it becomes difficult for cleaning. However, with the help of machinery the lines/chambers are cleaned up time to time.

8. You shall make necessary provisions to provide covers to the MIDC chambers wherever missing/ damaged.

Covering of uncovered chambers is being identified through AMC and will be covered, if found uncovered.

9. You shall close the old effluent carrying pipelines. The operation and maintenance of drainage system shall be carry out properly so as to prevent the leakages of effluent into River/Nalla as well as in MIDC area.

It is to state that, MIDC has carried out remodeling of entire effluent collection system in Talaja Industrial Area in the year 2019 by changing existing lines by HDPE lines and construction of new RCC chambers.

10. You shall do intensive vigilance of chambers through CETP and also do surveillance within and in the periphery of Talaja MIDC area.

MIDC has appointed experienced agency for monitoring of this collection system and system is monitored round the clock on annual contract basis.



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11. You shall take due care to prevent the water pollutions problems due to leakages of effluent from drainage network into River/Nalla as well as in MIDC area.

As explained above MIDC has appointed well experienced agency for maintenance of lines. Whenever chock-up lines/chambers is observed immediately same is removed. The spilled effluent if any is pumped to effluent collection system.

12. As & when incidence of leakages/breakage/blockage in chambers effluent carrying lines happens you shall inform to all member industries regarding not to discharge industrial effluent to MIDC/CETP effluent carrying pipelines and immediately informed the same to MPCB.

For major breakage of effluent carrying pipelines all industries are informed to stop discharge of effluent and work is carried out, also MPCB is informed about the same.

13. MIDC should instigate the surveillance and vigilance units in MIDC Talaja boundary and within to avoid illegal tanker disposal.

MIDC has appointed experience agency for monitoring of this collection system and system is monitored round the clock.


30/08/2023
Executive Engineer
M.I.D.C. Division, Alibag

- Copy submitted to the Superintending Engineer (K), MIDC, Panvel for favour of information please.
- Copy to Deputy Engineer, MIDC, Talaja sub Division, Talaja for information and necessary action.



1st steering committee meeting

DE Taloja (W/S) <detalojaws@midcindia.org>

Tue 29-08-2023 14:06

To: DE Taloja <detaloja@midcindia.org>

Cc: sro taloja <srotaloja@mpcb.gov.in>; DE Taloja (W/S) <detalojaws@midcindia.org>

📎 1 attachments (465 KB)

NGT order-TIA vs MoEF n othrs dated 1st August 2023.pdf;

Sir, above meeting pertaining to your office ,Taloja Drainage .

Get [Outlook for Android](#)

From: SRO Taloja <srotaloja@mpcb.gov.in>

Sent: Tuesday, August 29, 2023 12:11:44 pm

To: DE Taloja (W/S) <detalojaws@midcindia.org>; Taloja Cetp <talojacetp@yahoo.com>; Aqua Chem P L Talojá CETP, <aqua.taloja2018@gmail.com>; EE Alibaug <eealibaug@midcindia.org>

Cc: Dr. J. B. Sangewar <jdwater@mpcb.gov.in>; RO Navimumbai <ronavimumbai@mpcb.gov.in>

Subject: 1st steering committee meeting

1st steering committee meeting is **scheduled to be held on 04.09.2023 at 11.0 A.M.** " **at "Conference Hall, Regional Office, 7 th Floor, Raigad Bhawan, CBD Belapur, Navi Mumbai"**. The meeting will be chaired by Jt. Director (WPC) MPCB.

You are hereby requested to attend the meeting positively with all relevant documents.

Regards,
SRO, Taloja.





MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION
(A Government of Maharashtra Undertaking)

Office of the Executive Engineer, MIDC, Sub Div Taloja.

Tel.No.: , Fax No.: , E-mail: , Website:

IFMS NO.: 114038 Date: 22/08/2023

Work Order

To
K.D.Patil & Construction

SHOP NO.11, AT.GHOT, POST GHOT CAMP,
NEAR IGPL, TAL. PANVEL, DIST
-RAIGAD-410208

Email:- kdpatil_1953@hotmail.com

Sub: M&R To EDS Taloja Indl. Area..... Annual maintenance of drainage
- Collection And disposal main @ Taloja Indl. Area

Ref:- 1) Tender Notice No. E Tender Notice No. 25 of 2023-2024 (Mumbai) Dated
29/05/2023
2) Tender Open Dated On 13/06/2023
3) This office letter No. 113108 dtd.14.08.2023
4) Your letter No.-NIL- dtd.16.08.2023

Dear Sir,

In response to this office letter under reference mentioned above, you have paid Initial Security Deposit (ISD) amounting to Rs. 1,46,900.00/- (Indian Rupee One Lacs Fourty Six Thousand Nine Hundred Only) in the form of MR No. DV008180Q003159 Dated 22/08/2023 . You have paid Additional Performance Security deposit amounting to . and completed the contract formalities in all respect, your offer to execute the subject work is finally accepted as detailed below.

01	Name of Work	M&R To EDS Taloja Indl. Area..... Annual maintenance of drainage Collection And disposal main @ Taloja Indl. Area
02	Cost Put to Tender	Rs. 69,94,588.00
03	Initial Security Deposit	Rs. 1,46,900.00
04	Tender Type	B1
05	Accepted Cost	Rs. 73,43,617.31 (4.99% Above)
06	Agreement No.	B-1/18 for 2023-2024
07	Time Limit	12 Months Including Monsoon
08	Date of commencement	22/08/2023
09	Stipulated Date of Completion	21/08/2024
10	Maintanance Period	
11	Rate of Compensation per day for Delay	Rs. 2,000.00



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315

12	Labour Cess	1% Will be recovered from each RA bills.
13	Work Number (As per AX)	08/MRED/5054

You are therefore requested to start the work immediately under the supervision and instructions of **Deputy Engineer Sub Div Taloja** and as per the terms and condition of tender agreement.

Necessary Insurance Policy may be taken within one month from date of issue work order or before 1st R.A. bill, whichever is earlier as per the tender contract condition mentioned under Insurance clause.

You are also requested to produce the labour license from the concerned office of the Labour Department, as per the Maharashtra Contract Labour Prevailing (Regulation and Abolition) Rules 1971 within 07 days from the date of this letter, failing, if any queries raised in this matter, you will be held responsible for the same.

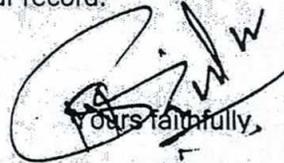
The work should be completed in all respect within the stipulated time limit.

Please note all the letters under references are part and parcel of the tender documents. Your agreement is assigned as B-1/18 for 2023-2024. You are requested to make correspondence in future by referring the said agreement number for this work.

A certified copy of Agreement copy is enclosed for your record.

Thanking you,

D.A. : As Above.


Yours faithfully,

Executive Engineer
Div Alibag

Copy Submitted To:

Copy Forwarded To:

Copy To:

Executive Engineer, Div Alibag

Additional CCTo:

- 1) Copy submitted to the Chief Accounts Officer, MIDC, Mumbai-93.
- 2) Copy submitted to the Superintending Engineer (K), MIDC, Konkan Circle, Panvel.
- 3) Copy to The Assistant Labour Commissioner, Vighnaharta Complex, Sec.'B', Mumbai-Pune Road, Khanda Colony, New Panvel (W), Dist : Raigad.
- 4) Copy to Deputy Engineer, Sub-Division, Taloja for information & necessary action.
- 5) Copy to TB / Taloja



**BEFORE THE NATIONAL
GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO.93
OF 2023**

BETWEEN :

Taloja Industries

Association ..Applicant

Vs

Ministry of Environment,

Forests and Climate

Change and

ors. ...Respondents

**AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NO. 5(MIDC)**

Dated this 18th day of September, 2023

Little & Co.

Advocates for the Respondent No.5(MIDC)

Mumbai 400 001.

