

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
(THROUGH VIDEO CONFERENCE)
Original Application No. – 63/2020 (WZ)**



Vikramsinh Manikrao Patil & Ors. --- Applicants

Vs.

Shri. Chhatrapati Sahakari Sakhar
Karkhana Ltd. , Bhawaninagar & Ors. --- Respondents

**Affidavit in Reply on behalf of Maharashtra Pollution Control
Board i.e. Respondent No. 01 & 02.**

I, Nitin Shinde, Age 55 years, Occupation – Service, the in charge Regional Officer, Maharashtra Pollution Control Board at Pune, having my office address at Jog Centre, 3rd floor, Wakdewadi, Old Pune-Mumbai Road, Pune-411 003, do hereby state on solemn affirmation as under -

- 1) I say and submit that the Respondent-Board is filing the said Affidavit in Reply after verifying the factual position of the Respondent No.10-Industry.

2) I say and submit that the Respondent No.10-Industry is irregular in applying for renewal of consent to MPCB. The renewal application becomes visible to MPC Board Officials only when the respective industry makes the payment of the required fees to M. P. C. Board. In the year 2019, the Respondent No. 10-Industry had submitted an application for renewal of consent on MPCB Portal on 21/05/2019 but made the payment of fees on 03/10/2019; also for renewal of the consent in the year 2020 the Respondent No. 10 had again done the same practice i.e. Respondent No. 10-Industry had submitted the application for renewal on MPCB portal on 12/07/2020 but made payment of fees on 10/09/2020. I say and submit that the crushing season of the Sakhar Karkhana is generally from the month of September till April. Hence, the Respondent Industry is irregular in submitting the renewal application for Consent.

3) I say and submit that as per Environmental Clearance conditions, the Respondent Industry had failed to submit half yearly compliance report, however, they have only submitted one-time six-monthly compliance report to the concerned Authority on 01st June 2021.



4) I say and submit that the Respondent-Industry has made bilateral agreement with 8 farmers for 55 acres of land on 27/03/2021 for the disposal of treated effluent.

5) I say and submit that the Respondent Board has extended an opportunity of personal hearing to the Respondent Industry on 23/09/2021 and as decided during the course of personal hearing, the Respondent Board has issued Interim Direction to the Respondent Industry on 11/10/2021 and directed to provide adequate air pollution control system like wet scrubber to all the Boilers, so as to achieve consented emission, operate OCEMS of effluent treatment plant and stack continuously & ensure that the same is connected to MPCB & CPCB server, to provide time line program for the provision of CPU within 7 days etc. A copy of the Interim Direction dated 11/10/2021 is attached and annexed herewith as an **Annexure – I**.

6) I say and submit that in order to verify the compliance of the interim directions dated 11/10/2021, the officials of Respondent-Board at Pune carried out the visit to the Respondent Industry on 24/12/2021 and observed as below –

- i) The Respondent-industry has three boilers having capacity of 20 TPH, 35 TPH and 20 TPH and have common stack to which

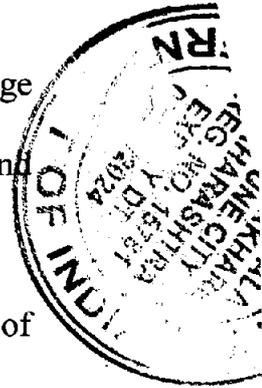


they have not provided wet scrubber. The Respondent-Industry has initiated the work of installation of wet-scrubber system.

- ii) The Respondent Industry has provided the OCEMS to the effluent treatment plant and stack which is connected to MPCB server and CPCB server. Data availability observed 90 %.
- iii) The Respondent Industry has not provided CPU – Condensing Polishing Unit.
- iv) The Respondent-Industry has provided digital flow meter to ETP outlet section and it is connected to MPCB server.
- v) The Respondent-Industry has provided 15 days' storage capacity tank for treated effluent to take care during no demand for irrigation.
- vi) The Respondent-Industry is operating 2 numbers of DG sets of capacity 750 KVA each for alternate electric power supply without obtaining the M. P. C. Board's Consent for its operation. Till date the Respondent Industry has not applied for amendment application for addition of DG set.
- vii) During visit, ETP was found in operation.

A copy of the visit report dated 24/12/2021 is attached and annexed herewith as an **Annexure – II**.

- 7) I say and submit that as per the Consent Appraisal Committee (CAC), the M.P.C. Board has forfeited the Bank Guarantee submitted by



Respondent Industry towards non-compliances of the consent conditions. A copy of the direction of forfeiture of Bank Guarantee dated 25/01/2022 is attached and annexed herewith as an Annexure – III.

8) I say and submit that the defaulting Respondent Industry is Sugar Industry which operates seasonally, hence, data is required for calculating the number of days of violations. I submit that in view of the non-compliances, the Respondent Board is in process of assessing the Environmental Compensation against the Respondent Industry, for causing damages to the environment and violating the Environmental Norms.

Solemnly affirmed on this 25th day of January, 2022 at Pune.

I know the Affiant.

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 01 & 02

Nitin Shinde
25/1/22
(Nitin Shinde)
I/c Regional Officer, MPCB Pune.

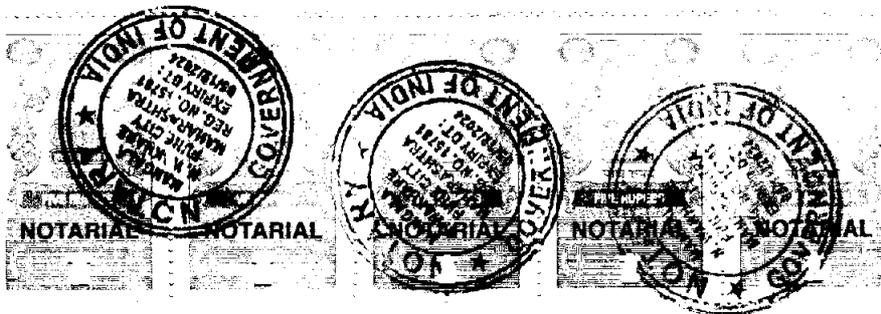
BEFORE ME

Mangala N. Wakhare
MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

25 JAN 2022



ADVOCATE



**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

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"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/ MPCB/ID/ 2110/10001

Date: 11/10/2021

To,
M/s. Chhatrapati Sahakari Sakhar Karkhana Ltd.,
122, Bhavaninagar, Tal. Indpaur, Dist. Pune



Sub: Interim Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous & Other Wastes (M & TM) Rules, 2016.

Ref : 1) Proposal submitted by Sub Regional Officer Pune-I MPCB-LEGAL-ACTIONS-230721006.

2) Board's Proposed Directions issued vide no. MPCB/PD/2107270001 Dtd 27/07/2021

3) Reply uploaded / submitted to proposed directions vide letter Dtd. 17/08/2021

4) Personal hearing extended on Dtd 23/09/2021

This refers to proposed directions issued as referred (1) above and subsequent personal hearing extended on 23/09/2021. Considering recommendation from Sub Regional Officer Pune-I and your reply and re-presentation during the hearing, you are hereby directed to comply with the following Interim Directions,

1. You shall provide adequate air pollution control system like wet scrubber to the all Boilers so as to achieve consented emission standards within 01 months for ensure the compliance of same you shall submit the Bank Guarantee of Rs. 5,00,000/- (Five Lakh Only) within 15 days.

2. You shall operate OCEMS of effluent treatment plant and stack continuously and ensure same will be connected to MPCB and CPCB server.

3. You shall provide time line programme for the provision of CPU within 07 days and for ensure of the same you shall submit the Bank Guarantee of Rs. 5,00,000/- (Five Lakh Only) within 15 days.

4. You shall make provision of alternative arrangement for treated effluent disposal and also submit the agreement with farmers for the disposal of treated effluent.

5. The Bank Guarantees should be in favour of Regional Officer Pune and valid for a period of one year. You shall upload all the Bank Guarantees on MPCB Web - Portal by using your industry login ID and you shall submit original Bank Guarantees within 15 days alongwith online generated acknowledgement to this office.

In case you fail to comply with the above directions the Board will have no option than to issue appropriate directions as deem fit under the provisions of Water (P. & C. P.) Act, 1974 and under the provisions of Air (P. & C. P.) Act, 1981 & Hazardous & Other Waste (M & TM) Rules, 2016, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board

(Nitin Shinde)
(Nitin Shinde)

I/c. Regional Officer, Pune

Copy submitted to:-

1. Joint Director (WPC), MPCB, Mumbai
2. Law Officer, MPCB, Mumbai.

Copy to :- The Sub-Regional Officer, M.P.C.Board, Pune-I :- You are directed to keep the necessary follow up and report the compliance from time to time.





Maharashtra Pollution Control Board

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

Visit Report

General Information

Industry: Shri Chatrapati S.S.K. Ltd.
Address: A/p- Bhavaninagar, Tal- Indapur, Dist- Pune
Zipcode: 413102
Visited On: 24/12/2021

Consent Status

Validity Of Consent upto : 31-07-2022
I.E.: 775
D.E.: 16 M3/Day



Production Details

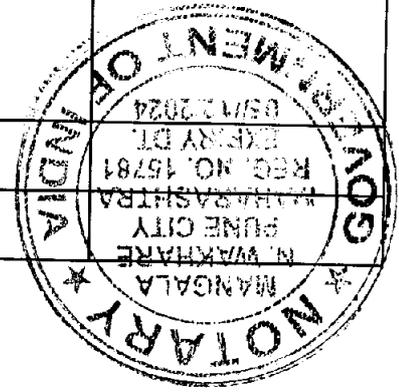
Product Name	Quantity(As consent)	Unit(As consent)	Quantity(Actual)	Unit(Actual)
Sugar	21695	MT/M	21695	MT/M
Bagasse	56970	MT/M	56970	MT/M
Pressmud	7970	MT/M	7970	MT/M
Molasses	7970	MT/M	7970	MT/M
Electricity	18	MW	18	MW

Water & Waste Water Aspect

	Industrial		Domestic
	Process	Cooling	
Generation in m3/day As per consent	775	125	16
Actual	775	125	16

Treatment System

Industrial		Domestic	
Primary	<ul style="list-style-type: none"> • O & G Trap • Screening • Neutralization / Equalization • Primary Settling/Sedimentation 	Septic Tank & Soak Pit	
Secondary	Aeration tank Diffused (1 No.) Anaerobic Tank, Secondary Clarifier, Holding Tank, Sludge Drying beds 4 no's Provided	--	
Tertiary	<ul style="list-style-type: none"> • Dual Media Filter 		
--			



Disposal

Industrial		Domestic	
--		--	
--		On Land for gardening : 16	
--		--	
--		--	
Any Other : on land for irrigation purpose (775)		--	
Total: 775.00		Total: 16.00	
Remarks/Observation			
Disposal as per consent	No	No	
Operation & Maintenance	Poor	Poor	

Online Monitoring System (Water)

Online Monitoring System	Applicable	
Whether Online Monitoring System Installed	Installed	CPCB Connectivity MPCB Connectivity
Remote callibration applicable	Yes	
Sensor Properly Placed	Yes	

Electric Meter Details

Separate Electrical Meter Provided	No
Meter Reading	1.00

Last JVS Details

	Industrial	Domestic
Date of collection	07-01-2021	-



Payment details

Amount 00 00

Date - -

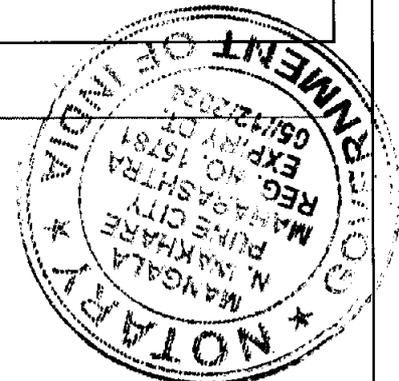
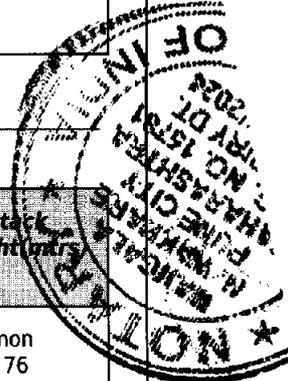
<i>JVS sample collected for water: Yes</i>		
Source:	Parameter:	Standard Prescribed:
Conductivity		

Air Pollution Aspect

Source	Process/Fuel Burning	Fuel Name	Fuel Quantity	Fuel Unit	Pollutants	Control Equipment Installed	Stack Height(mtrs)
5	Process	Baggage	750	MT/day	TPM		Common stack 76 meter
1	Process	Baggage	350	MT/Day	TPM		Common stack 60 meter
5	Process				TPM		Common stack 60 meter
5	Process				TPM		Common Stack 76 meter height

Remarks / Observation: 5) During visit it is observed that industry has provided 76 meter common stack to the 70 and 35 TPH boiler with ESP , as air pollution control system , same found in operation , boilers was found in

Online Monitoring System (Stack)



Online Monitoring System (Stack)	Applicable	
Whether Online Monitoring System Installed	Installed	CPCB Connectivity MPCB Connectivity
Remote callibration applicable	Yes	
Sensor Properly Placed	Yes	
Whether proper stack monitoring facility exists	Yes	
Whether callibration facility exist	Yes	

Online Monitoring System (Ambient Air)

Online Monitoring System (Ambient Air)	Applicable	
Whether Online Monitoring System Installed	Installed	CPCB Connectivity MPCB Connectivity

JVS Details

JVS sample collected for Air:		
Source:	Parameter:	Standard Prescribed:
Lead		

Legal Section

Whether unit complied:

Complaint (If any):

Complaint (If any):

Hazardous Waste Management (Last consent details)



Category No. & type	Quantity as per consent	Method of Disposal as per consent	Actual disposal	Total Quantity disposed (as per FORM 4)	Quantity disposed at CSWT SDF	Quantity disposed for co-processing	Quantity disposed by actual user	Last Disposal date	Last Disposal quantity	Unit
5.1 Used oil	5.1	Recycle	300.00	300.00	0.00	0.00	0.00	-	0	Kg/M

Non Hazardous Waste Management

Name of waste	Quantity as per consent	Method of Disposal as per consent	Last Disposal date	Last Disposal quantity	Unit
ETP sludge	200	00		0	Kg/Day
Boiler ash	15	00		0	MT/Day

Tree Plantation

Total plot Area in sq.mtr:	24000
Built up Area in sq.mtr:	12000
Green Belt Area Sq. mtr:	97 Acre
Plantation Done in no:	-
Proposed Plantation:	-

Statutory Submissions

	Submitted upto:	Paid upto:
Hazardous Waste Annual Returns	31-03-2021	-
Environment Statement Report	27-07-2021	-

Previous Legal Action

Action Initiated Date 11-10-2021

Specific Compliance 2) Industry was found in operation , Regional office Pune MPCB has issued Interim directions to industry dated 11.10.2021 Vide no. MPCB/ROP/MPCB/ID/2110110001 , then industry has submitted reply of i

CREP Compliance

Unit falls under CREP guidelines

Bank Guarantee Details

BG Imposed: Yes

BG Imposed Against: directions

Number(Only for Directions):

Bank Guarantee Imposed for	BG submitted	Bank Guarantee No	Date	Validity
5 Lakh	yes	0		

Additional Information

1) Visit is carried out to check the compliance of the Interim Directions issued by RO Office on 11.10.2021. During the time of visit following observations are observed - Industry is engaged in the manufacturing of sugar crushing activity , during visit industry was found in operation , Industry has provided ETP Plant , consist of Primary , secondary and tertiary treatment to treat the industrial processing effluent . During the time of visit ETP found in operation , treated effluent is reused for gardening purpose by surrounding Farmers . During visit it is observed that industry has provided 76 meter common stack to the 70 and 35 TPH boiler with ESP , as air pollution control system , same found in operation , boilers was found in operation .Till industry has not provided any Air pollution control system to the rest three boilers of 20, 20 and 35 TPH boiler having a common stack of 60 meter . boilers was found in operation ., Industry has started Errection work for the installation of scrubber as a pollution control system to this three no.of boilers . Industry has provided 15 days storage tank . industry has provided 2 no's of DG set of 750 KVA capacity each . OCEMS for Air and water provided , Flow meter provided at the outlet of ETP Plant . Generated effluent from Co. generation plant is Recycled . Industry has not provided CPU

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

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"Your Service is our Duty"

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Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/MPCB/Dir/ 220/25- FTS-0199

Date: 25.01.2022

To,
M/s. Shri Chhatrapati SSK Ltd.,
122, Bhavaninagar, Tal-Indapu, Dist-Pune

Sub: Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Wastes (M & TM) Rules, 2016.

- Ref:
1. Board's Granted consent upto 31.07.2022 vide dtd.22.12.2021
 2. Board's Proposed Directions vide dtd.27.07.2021
 3. Board's Interim Directions vide dtd.11.10.2021
 4. Proposal submitted by SRO Pune-I vide no. MPCB-LEGAL_ACTIONS-230721006 & 060122021

WHEREAS, you are operating your industry located in 'Pollution Prevention Area' under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of) Act, 1981 & Hazardous & Other Waste (Management & TM) Rules, 2016.

AND WHEREAS, the Board had granted the consent to operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous & Other Wastes (MH & TM) Rules, 2016 and amendments thereof.

AND WHEREAS, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively to achieve the standards prescribed in the consent.

AND WHEREAS, it is an obligatory on your part to obtain renewal of consent to operate before expiry of existing consent to operate.

AND WHEREAS, the case has been filed before Hon'ble NGT vide No. O.A. No. 63/2020 regarding violation of various Environmental Laws and accordingly orders passed in this matter time to time.

AND WHEREAS, Board had granted consent as per Minutes of 7th Consent Appraisal Committee Meeting of 2021-2022 on 13.10.2021 & 29.10.2021 by imposing certain terms and conditions.

AND WHEREAS, Board has issued legal actions to your industry through Proposed and Interim Directions.

2...

AND WHEREAS Sub Regional Officer, Pune-I have submitted the legal action proposals vide ref (4), there in reported that,

- 1) To Forfeit the Bank Guarantee of Rs.5.0 Lakh towards non compliance of consent conditions and top up with Bank Guarantee of Rs.25.0 Lakh towards O & M of Pollution Control Suystem and compliance of consent conditions.
- 2) Project Proponent shall not use Boilers having capacity 20 TPH, 20 TPH & 35 TPH till completeion of installtion work of air pollution control system.
- 3) Project Proponent shall comply with all the cónditions in Environemntal Clearance.

AND WHEREAS, from the record of this office and observations made during the visit, I came to the conclusion that, you are not complying the conditions mentioned in consent granted by the Board and also not complying the provision of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 thereby causing grave injury to the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31 A of Air (Prevention & Control of Pollution) Act, 1981, I, Nitin Shinde, Regional Officer of the Board, at Pune hereby issue directions as under-

- 1) You shall not use Boilers having capacity 20 TPH, 20 TPH & 35 TPH till completeion of installtion work of air pollution control system.
- 2) You shall comply with all the conditions in Environemntal Clearance.
- 3) Your Bank Guarantee of Rs.5.0 lakh is forfeited and you are directed to top up with Bank Guarntee of Rs. 25.0 Lakh towrads O & M of pollution control systems and compliance of consent conditions.

You are directed to submit your reply towards the compliance of above points with all necessary documents and **photograph within 07 days from** issuance of this letter, failing which further necessary action as deemed fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board

Nitin Shinde
25/1/22
(Nitin Shinde)

I/c. Regional Officer, Pune

Copy Submitted for information to

1. Joint Director (WPC), M.P.C. Board, Mumbai.
2. Law Officer, M.P.C. Board, Mumbai

Copy to-

The Sub-Regional Officer, M.P.C. Board, Pune -I :-

- You are directed to keep the follow up and report the compliance from time to time.