

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**WESTERN ZONE BENCH, PUNE**  
**ORIGINAL APPLICATION NO. 12/2020 (WZ)**

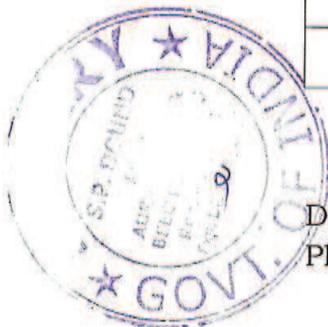
Shubhash S/o Mhasuji Gadekar **..Petitioner/**  
 And another **Applicants**  
**Versus**

The State of Maharashtra **...Respondent**  
 And Others

**Affidavit in reply submitted by Respondent No. 6**  
**Radico NV Distilleries Maharashtra Limited**

**INDEX**

| Sr. No. | Particulars of Documents   | Page No.  |
|---------|--|-----------|
| A       | Affidavit in reply by respondent no.6  | 1 To 3    |
|         | Point-wise reply to allegation by applicants in Original Application                   | 4 to 31   |
| B       | Consent to Operate dated 02.09.2016 for composed yard of 6 Acres area.                 | 32 To 32  |
| C       | Consent to Operate dated 19.07.2016 for composed yard of 6 Acres area.                 | 33 To 36  |
| D       | Copy of renewal consent to operate for composed yard of 6 Acres area. Dated 16.09.2019 | 37 To 42  |
| E       | Copy of Google image of measure distance.  | 43 To 44  |
| F       | Copy of photographs.   | 45 To 49  |
|         | Vakalatnama  |           |
|         | Last page  | <b>49</b> |



Date : 21/10/2020  
 Place : Pune.

**Prabhakar K Joshi**  
 Advocate for Res. No. 6

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO. 12/2020 (WZ)**



Subhash s/o Mhasuji Gadekar  
& another.

... PETITIONERS/  
APPLICANTS

**VERSUS**

The State of Maharashtra  
& others.

... RESPONDENTS

**AFFIDAVIT-IN-REPLY ON BEHALF OF RESPONDENT NO. 6 -**  
**M/S. RADICO (NV) DISTILLERIES MAHARASHTRA LTD.,**  
**AURANGABAD**

I, **Ashish Kapoor s/o Surendra Kumar Kapoor**, Age 58 years, Occu. Service as a '**Sr.Vice-President**' with respondent no. 6 i.e. **M/s. Radico (NV) Distilleries Maharashtra Ltd.**, Office at D-192 to 195, Shendra Five Star Industrial Area, Aurangabad, do hereby state on oath as under :

1. I say and submit that, I am having authority and knowledge to file the present Affidavit. I say that, I have gone through the contents, averments, pleadings and allegations made in the Application and perused the Annexures thereto. On the basis of my personal knowledge and on the basis of the record maintained by the company I am filing this Affidavit-in-Reply as follows.



2. I say and submit that, the present respondent no. 6 - M/s. Radico (NV) Distilleries Maharashtra Ltd., Aurangabad is having strong preliminary objection about the maintainability of the present proceedings before this Hon'ble Tribunal and also questioning the jurisdiction of the present application as the same is hopelessly time barred and the same is not within limitation as prescribed U/sec. 14 of the National Green Tribunal Act and Rules made thereunder. The present respondent company is having also strong objection on the relief sought which do not fall within the ambit of U/sec. 15 as consequential relief, based on the cause of action mentioned by the applicants. I say that, before approaching this Hon'ble Tribunal the present applicants have filed the Writ Petition No. 12627/2018 before the Hon'ble High Court of Bombay Bench at Aurangabad. During the course of hearing, when the applicants have realized that, the Hon'ble High Court has not inclined the Writ Petition on merit and the same was about to be dismissed then intelligently the applicants through its Counsel have informed the Hon'ble Court that, they wanted to exhaust the remedy before this Hon'ble Tribunal and withdrew the Writ Petition on 16<sup>th</sup> January, 2019. Hence, the cause of action which was arose for filing the Writ Petition does not remained as it is for filing the present proceedings.



Hence, the Hon'ble Superior Court declined to entertain the Writ Petition and when they realized that, their ulterior motive was not going to serve if the Writ Petition is continued then they simply withdrawn the Writ Petition. Hence, the Provisions of Limitation Act which strictly applied in the present case. The so-called cause of action arise as mentioned in the application as well as in the Writ Petition are of year 2017 hence, considering the cause of action arise in 2017 the present proceedings is not at all maintainable on the ground of limitation itself. As such Section 14 is squarely applicable in the present case. Hence, the present proceedings is hopelessly time barred. I say that, the present proceedings is nothing but abuse of process of law. The entire averments and allegations made in the application are nothing but tissues of lies. Hence, on this preliminary grounds which I have raised, the application filed by applicants is required to be dismissed with heavy cost.

3. At the out-set, I say and submit that, it is important to note that, the land belongs to the applicants is excessively prohibited between the agricultural form and the company premises. I say and submit that, considering the location of unit of respondent no. 6 and location of the land of the applicants is far away and it is practically impossible



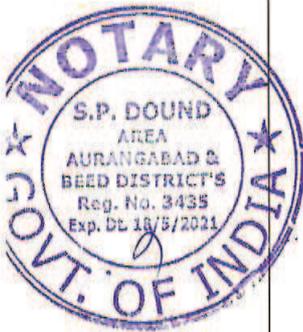
to percolate any effluent. I say that, the distance between the land of applicants and unit of respondent no. 6 is more than 700 mtrs., so there is no question of percolating any effluent as alleged by the applicants. Hence, the allegations, averments made in the application are totally denied by the present respondent in toto. I say and submit that, now I am submitting herewith the Parawise Reply of the application which is as under :



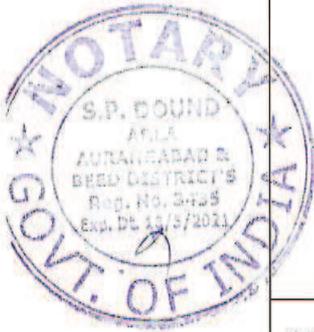
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| 01) | <p>These Petitioners are the Citizens of India and are permanently residing at the clause of the present Petition/application. These Petitioners are arrived by the industrial pollution caused by the Respondent no. 5 into the water well of the agriculture effluents. The Respondent No. 1 to 3 are the Secretary, Chairman, Manager of the Pollution Control Board and the Respondent No. 4 is the Secretary of the Industry Department and Respondent No. 6 is the director of the State Policy Health Services and they are</p> | <p>Partly denied. Partly accepted. So far as ownership is concerned.</p> |
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|     | amenable to the Application /Petition jurisdiction of this Hon'ble Tribunal.  |   |
| 02) | The Respondent No. 5 are the owner having business of M/s. Radico (NV) Distilleries Maharashtra Ltd., Shendra, Aurangabad.  | It is correct that, the respondent no. 5 is running its bio-compost facility for disposal of spent wash generated from another unit /factory belongs to respondent which is 19 kms. Away from the present place. For which the Maharashtra Pollution Control Board has granted its consent to operate which is annexed herewith and marked as <b><u>EXHIBIT 'R-1'</u></b> . |
| 03) | These Petitioners are the owners and possessors of land Gut No. 310 situated at Adgaon (Khurd), Tq. & District Aurangabad and they are carrying out the agricultural business in this field, and earn their livelihood from this activity. The Respondent No. 5, is in the business of distillery and dumping wastage of Radico Distilleries Maharashtra Ltd. | The contention of so far as applicants are owners of the land is not within the knowledge of present respondent. As such the applicants have not annexed any Revenue Record in respect of their land alongwith the application, therefore, this fact is not within our knowledge. So far as the allegations of dumping  |

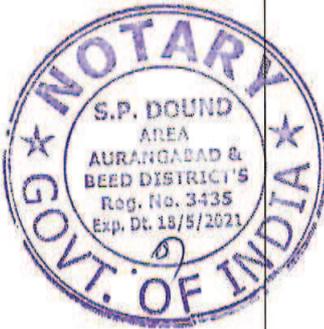


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|  | <p>at Mauje Takali, Tq. Aurangabad (Gut No. 12) at a distance of approximately 600 meters from these Petitioners field. There is a water well situated in the agricultural field of these petitioners, from which the water is utilized for irrigation and drinking purpose.</p>   | <p>wastage of M/s. Radico (NV) Distilleries Maharashtra Ltd. at Mauje Takali is concerned the present respondent are hereby denying this allegations in toto which are false and imaginary one. The fact about utilization of water for irrigation and drinking purpose as claimed by applicants is not within our knowledge. Hence, it is not concerned with the respondent no. 6 company.</p> |
| <p>04) That, the Respondent No. 5 industry, though a manufacturing industry, is not having its own effluent treatment plant and whatever industrial waste and effluent is generated, the same is stored in the premises of the plant and such storage is causing percolation in the earth and it is further causing pollution in an around the plant, particularly in the well of these Petitioners field, wherein the oil and other</p> | <p>I say and submit that, the entire averments and allegations in this paragraph are totally incorrect and far away from truth. First of all loss explained in this paragraph amounting of Rs. 12,00,000/- to 15,00,000/- is too much exorbitant, it is absolutely false. There is no evidence before this Hon'ble Tribunal about what types cropping pattern years to be taken from this land is not placed before this Hon'ble</p> |   |



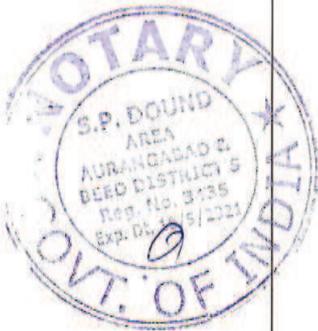
elements can be noticed on the surface of the water and due to which these Petitioners land is getting barren, loss of crops and also contaminated water not suitable for drinking purpose as well. These Petitioners have sustained a loss of Rs. 12,00,000/- to 15,00,000/- (Rupees Twelve to Fifteen Lakhs only) in the year 2016-2017, due to the pollution caused by the Respondent No. 5 industry, as these Petitioners had taken the crops of carrot and in two acres onions in one acre and those crops could not grow due to the contaminated water and as such there was total loss to the crops.

Tribunal by the applicants. The so-called loss alleged by the applicants no explanation has been given at what quantum of loss and how it is sustained. Hence, the applicants have suppressed the material facts from this Hon'ble Tribunal and failed to disclose true and correct facts before this Hon'ble Tribunal. The respondent company is law abiding company. The respondent company has obtained the consent to operate the plant at its factory which is 19 kms. away from this particular place and the allegations about storage of wastage at this side are incorrect. I say that, first of all at this Mauje Takli Mali side the company is not generating any effluent and there is no such manufacturing unit which generating effluent is located there. The respondent no. 6 company



is running a Distillery unit at Shendra MIDC Area, Aurangabad which is 19 kms away from this particular place, wherein entire ETP plant as per the norms prescribed by the Maharashtra Pollution Control Board is installed and it is effectively running. The norms prescribed by the Maharashtra Pollution Control Board are regularly being scrupulously followed.

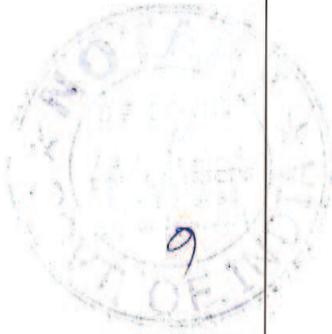
I say and submit that, the respondent no. 6 company has installed ETP plant i.e. called as 'Effluent Treatment Plant' is installed for which the respondent no. 6 co. has spent more than Rs. 100 Crores. Substantial cost is sustained by the company for installing the ETP Plant which concentrated in multiple effect evaporation plant.



Three numbers of Decanters, three nos of digesters, clarification system and Seven stage multiple effect evaporation plant and then covered composing yard at factory side as well as Mauje Takli-Mali side. I say that, in intermediate stages which is passing through the various processes so they shall also always some effluents within the premises of distillery unit. This effluents is under treatment and is in process. It is pertinent to note that, at the side wherein the allegations are made there is no as such manufacturing process which generates effluents. Hence, the entire allegations for generation of effluents at suit side are baseless, imaginary and far away from truth. I say that, the Distillery unit is permitted to transport part of the effluents for the manufacturing of bio-

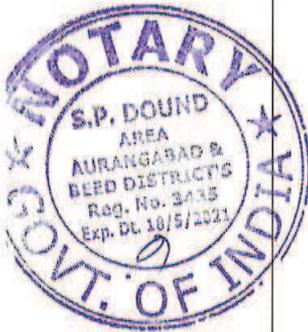


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|     |  | <p>compost is only activities carried-out at suit site. Hence, the averments and allegations for generating effluents alleged by the applicants are baseless. This respondent no. 6 company are strictly complying the terms and conditions imposed by the Pollution Control Board by its incorporated in the consent order and the guidelines issued by the Central Pollution Control Board. Hence, the entire precaution for protecting environment is scurrilously followed by the present respondent company.</p> |
| 05) | <p>These Petitioners made a written complaint to the Respondent No. 3 on 16-11-2017, complaining about the pollution caused by the effluents of the Respondent No. 5 into the water well and surrounding of these Petitioners field and further complaint that, due to such effluents the water in the</p> | <p>I say and submit that, it is alleged that, the applicants have made a complaint to respondent no. 3 on 16-11-2017 complaining about the pollution caused by the effluents of respondent no. 6 company into the water well and surrounding of this applicants field and further complaint that, due to such</p>   |

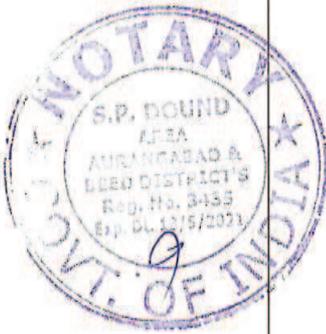


well and due to such effluents the water in the well is getting polluted and the oily substance is seen on the surface of the water in the well and due to the use of such water, the crops in the field are damaged and even due to the drinking of such contaminated water, even the health of these Petitioners and other members is at stake. With such substance, a written complaint was given to the Respondent No. 3 herein. A copy of the same letter was also given to the Collector, Aurangabad. The copy of complaint dated 16-11-2017 is annexed herewith and marked as **Annexure 'A'**.

effluents the water in the well and is getting polluted and oily substance is seen on the surface of the water in the well by which damage is caused to the applicants due to the breaking of such contemplated water is absolutely false and baseless. First of all the activities carried-out by the respondent company does not have any roll of oil so the question does not arise about percolation of oily item in the well. Hence, this averment and allegations are imaginary one and hence, totally false. The respondent no. 6 company submit that, the respondent is not carrying any such activities where oil is used. Hence, the averments of surface oily part of water in the well as alleged by the applicants is denied by the respondent no. 6 company in toto. The false complaint is filed by applicants to the Pollution Control Board &



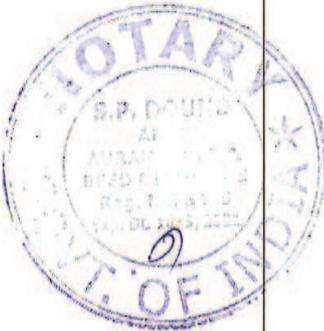
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|     |  | Collector, Aurangabad on which the applicants is heavy relied. Hence, the averments in the said letter are also denied by the present respondent in toto.   |
| 06) | <p>These Petitioners also made a written complaint on 21-11-2017 to the respondent No. 2 herein, who is the Chairman of the State Pollution Control Board, making a complaint as stated above, regarding the pollution caused by the Respondent No. 2, is annexed herewith and marked as <b>Annexure 'B'</b>.</p> <p>These Petitioners also made a written representation to the Environment Minister at Mumbai complaining the same. The copy of complaint addressed to the Minister is annexed herewith and marked as <b>Annexure 'C'</b>.</p> | I say and submit that, the averments and allegations made in this paragraph about written complaint are not having any reliance. The allegation made in the complaint itself are false and hence, denied. |
| 07) | These Petitioners submit that, the Respondent No. 3 on 29-11-2017, collected the   | The respondent no. 6 say and submit that, on the basis of complaint made by   |



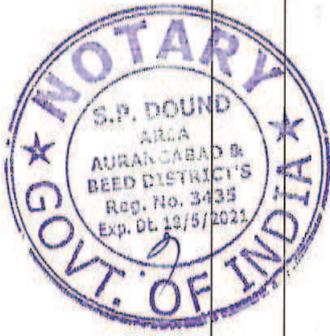
water sample from the water well of these Petitioners field, for the purpose of analysis and on 9-2-2018 a report was generated and particularly on the aspect of contents of oil and grease, they have not given a specific result. The copy of water analysis report dated 9-2-2018 is annexed herewith and marked as **Annexure 'D'**.

Thereafter, the officers of the Respondent No. 6 herein collected the water samples from the well of these Petitioners, as well as from the adjoining fields. In their analysis, the water is found to be containing dissolved solids more than desirable limits, and with such results the analysis report is issued by the Respondent no. 6 on 22-3-2018. The copy of water analysis report dated 22-3-2018 is annexed herewith and marked as **Annexure 'E'**.

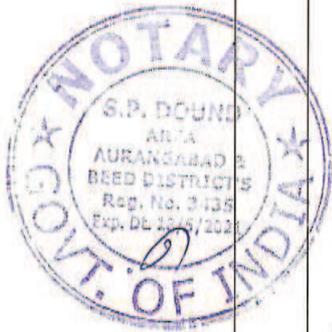
applicants the respondent no. 3 might have collected the water sample and report might have been obtained. The report so far as obtained by respondent no. 3 on 9-2-2018 it supports the claim of present respondent no. 6. Hence, the entire allegations about the existence of oil surface on the well water is incorrect. Hence, the report disclose this fact. On the contrary, the report dtd. 9-2-2018 is supports the case of respondent no. 6 company, wherein the respondent has categorically submitted before this Hon'ble Tribunal that, there is no use of oil in any manufacturing activity, hence, there is no use of any oil in manufacturing process by the activities carried-out by the respondent no. 6. It is further alleged that, some other agency has collected water sample from well of



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| <p>The photograph showing the Respondent no. 5 factory, to be adjacent to these Petitioners field so also the photograph of well, showing visible contaminated water are annexed herewith and marked as <b>Annexure 'F'</b>.</p> | <p>the applicants and report is obtained, wherein it is found that, the containing dissolved solids more than desirable limits is noticed in the report dtd. 22-3-2018.</p> <p>The respondent say and submit that, there is every possibility that, the quality of the land and land strata it may be one of the reason for having dissolved solids more than desirable limits. It is important to note that, in all these surrounding areas there are number of wells and regularly peoples are using the water for agricultural purpose and for the cattle and for the digging purpose regularly and no such harm being caused to any of the person. Hence, the first allegation about the existence of oily surface on the water is demolished by the report dtd. 9-2-2018 itself and second part for containing dissolved solids more than desirable limits is as usual in that locality for</p> |
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which no such allegation should be fingered against the present respondent. So far as showing the photograph of respondent no. 6 to be adjacent to these applicants field is also incorrect because the applicant's field is 600 to 700 mtrs. away from the unit of respondent no. 6. It is pertinent to note that, the agricultural land of the applicants and well therein is geographical upper side. Therefore, there is no possibility for percolating any water as alleged by the applicants/petitioners. I say and submit that, so far as the norms given by the Pollution Control Board the respondent no. 6 co. are strictly following the norms as prescribed by the Maharashtra Pollution Control Board. The applicants has invested huge amount for installation of poly-shed covered by bio-composed



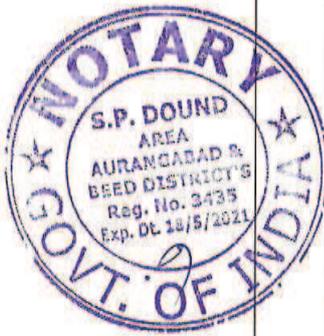
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|     |   | <p>yard and respondent no. 6 company has used 250 mm. micron HDPE sheet and then local soil and then brick-on-age as per the guidelines of the Central Pollution Control Board and Ministry of Environment and Forest. Hence, all the precaution is being taken to see that, there should not be percolate single drop of water. Further the respondent no. 6 has provided the piezometric holes for testing of treatment of water and samples are being taken by Maharashtra Pollution Control Board from time to time, wherein it is noticed that, no such complaint adversely observed by the Maharashtra Pollution Control Board.</p> |
| 08) | <p>These Petitioners submit that, prior to the analysis of the water from these Petitioners well, the Respondent No. 3, on 13-12-2017, formally issued letter</p> | <p>The respondent no. 6 company say and submit that, the cognizance was taken by the Maharashtra Pollution Control Board in the complaint. They have</p>  |



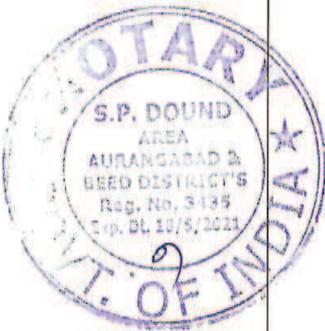
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| <p>to the Respondent No. 5 industry, as well as to these Petitioners, contending therein, just to take caution during the manufacturing process as far as the industrial concern and while addressing to these Petitioners, the respondent No. 3, on 13-12-2017 did not even cared and failed to confirm whether the respondent No. 5 has its own effluent treatment plant. These Respondent No. 3 just acted formally. The copy of letters issued by Respondent no. 3 dated 13-12-2017 are annexed herewith and marked as <b>Annexure 'G'</b>.</p> | <p>visited the side but no such adverse report is communicated to the respondent no. 6 company. Hence, the allegations made in this paragraph are incorrect.</p>   |
| <p>09) These Petitioners had earlier approached the Hon'ble Bombay High Court, at Aurangabad Bench, by filing the Writ Petition No. 12627 of 2018, wherein, the Hon'ble Court, disposed of the said Writ Petition, stating the remedy available to these Petitioners before this Hon'ble Tribunal. As,</p>  | <p>I say and submit that, the applicants/petitioners have mentioned about the Writ Petition filed before the Hon'ble High Court of Bombay Bench at Aurangabad. The same is disposed of as withdrawn with a liberty to approach this Hon'ble Tribunal. The respondent does not have</p> |



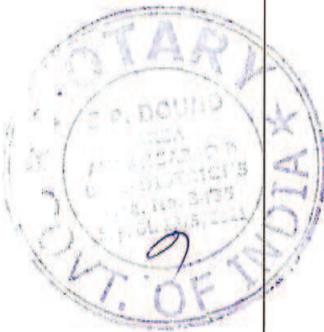
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|     | <p>the Pollution Board Authorities neither acted rightfully, nor they have taken proper cognizance of the grievance of these Petitioners, as such, these Petitioners are approaching this by Hon'ble Tribunal way of the present Petition, invoking the jurisdiction of this Hon'ble Green Tribunal on the following grounds :</p>  | <p>any particularly say about the pleadings in para No. 9 and at initially itself the respondent no. 6 has raised any preliminary objection about the same.</p>   |
| 10) | <p>The Pollution Board Authorities have failed to check whether the Respondent No. 5 industry has its own effluent treatment plant or not. In actual, the Respondent No. 5 plant is not having the effluent treatment plant and whatever wastage, effluents are getting out of the manufacturing process the same is getting percolated in the earth, which gets spread in said around the surrounding and the same causing water pollution and loss to the adjacent farmers.</p> | <p>It is significant to mention here that, (the applicants have committed mistake while addressing respondent. On more occasion the applicant wanted to make allegations against respondent no. 6 which is present applicant but may be typographical mistake therefore, the <b>respondent no. 5</b> is mentioned everywhere is itself incorrect, if we look the number of all respondents. In fact the respondent industry impleaded as <b>respondent no. 6</b>). The respondent no. 6</p> |



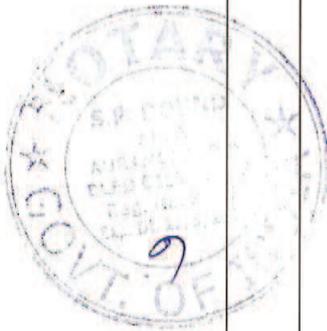
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|     |  | <p>industry has obtained consent from the Pollution Control Board and implemented and terms and conditions imposed and incorporated in consent terms or in Stricto scene. Time to time the Authorities of the Maharashtra Pollution Control Board have visited at the place and monitored the activities and submitted its report having fully satisfied as to whether the terms and conditions imposed by the Maharashtra Pollution Control Board are implemented. Hence, the allegations against the Pollution Control Board are un-warranted and irrelevant. Hence, denied by the present respondent no. 6.</p> |
| 11) | <p>Even the water analysis carried-out by the Respondent No. 3, authority and the report submitted thereby, does not disclose a clear picture of the oil and</p> | <p>The allegations made against the respondent no. 3 about the report submitted thereby does not disclose a clear picture is incorrect. The respondent</p>   |



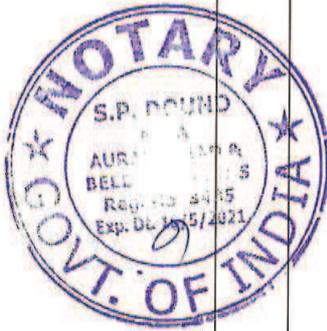
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|     | <p>grease found in the water sample from the well of the petitioners. On the contrary, the water analysis carried-out by the Respondent No. 6, health department, given element wise true report and therefore this itself shows that, the Respondent No. 3 authority has not cared to carry-out the proper water analysis.</p>   | <p>no. 3 had submitted its correct analysis report it is not at all objectionable as alleged by the present applicants.</p>   |
| 12) | <p>The Respondent No. 3 authority seems to have not followed the directions issued by the Hon'ble Apex Court while deciding a similar case of complaint of industrial pollution, wherein the Hon'ble Apex Court has directed the State Pollution Control Boards not to allow industrial units to operate if they do not have effluent treatment plants. Such directions were issued by the Hon'ble Supreme Court of India in Writ Petition No. 375/2012 decided on 22-2-2017 in the case of Prayavaran Surksha Samiti</p> | <p>These are the allegations against the respondent no. 3, wherein it is alleged that, the directions of Hon'ble Apex Court have not been followed which also incorrect. All the directions given by the Hon'ble Apex Court have been scrupulously followed not only other respondents but present respondent also.</p> |



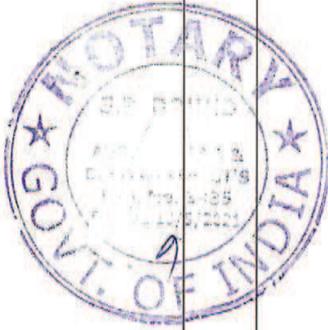
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|     | & another v/s. Union of India & others. This judgement is relied by the Petitioners in the present case.   |   |
| 13) | In all the pollution board authorities have not taken proper cognizance of the grievance of these Petitioners nor they have cared to give any justice to the petitioner and rather they have overlooked all the legal aspects, particularly towards the illegal acts of the Respondent No. 5 industry. | It is incorrect to say that, the Maharashtra Pollution Control Board has not taken any cognizance but the Pollution Control Board is vigilant and alert so far as the protection of the Environment is concerned and all the times on receipt of any complaint they have visited the site of respondent no. 6 company and they have been satisfied they have submitted the report with their remarks. Whenever a team appointed by the Pollution Control Board visited at site and they have not noticed any objectionable things as alleged by the applicants. |
| 14) | These Petitioners had filed a Writ Petition before Hon'ble Bombay High Court (Aurangabad Bench) Writ   | The present applicants have filed the Writ Petition before the Hon'ble High Court Bench at Aurangabad and   |



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|     | <p>Petition No. 12627/2018. The Hon'ble Court has disposed of the said petition with the liberty to the Petitioners to approach the National Green Tribunal. In view of the said order dated 16-1-2019, these Petitioners are approaching this Hon'ble Tribunal.</p> | <p>the same have been withdrawn when the Hon'ble High Court declined to entertain the Writ Petition. Considering the view expressed by the Hon'ble High Court, the applicants have chosen to withdraw the Writ Petition and got it disposed of and mentioned that, they wanted to approach before this Hon'ble Tribunal for its so called grievances. Hence, as such the Hon'ble High Court has not at all entertained the Writ Petition on its own merit.</p> |
| 15) | <p>These Petitioners have no other speedy and efficacious remedy except by way of filing this Petition before this Hon'ble Tribunal.</p>   | <p>No reply is required from the respondent no. 6.</p>   |
| 16) | <p>These Petitioners crave leave to add, amend, alter and/to delete any of the paragraph/at the time of hearing.</p>   | <p>No reply is required from the respondent no. 6.</p>   |
| 17) | <p>These Petitioners have not received any notice of caveat</p>  | <p>In fact the Caveat was filed before this Hon'ble High</p>   |



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|-----|---|---|
|     | rom the Respondents till the date of filing of this Application/Petition.   | Court by the respondent no. 6 because of time lapsed it might have not been annexed by the Registry of this Hon'ble Tribunal alongwith the petition because 90 days is mentioned limitation for Caveat and applicants might have filed the application after expiry of period of limitation of 90 days from filing of the Caveat. |
| 18) | The cause of action arose in year 2016-2017, when the effluents of the Respondent No. 5 started causing damage to these Petitioners. The cause of action is continuing hence the present Application/Petition is filed within the limitation. | The cause of action shown in the application is in the year 2016 & 2017. Thereafter, almost four years are past right now so situation is substantially changed after 2016 & 2017. Hence, the cause of action does not remain in existence.   |
| 19) | Further, this Hon'ble Tribunal has jurisdiction to entertain this Application/Petition.   | There is no specific reply required by the respondent no. 6.  |
| 20) | Petitioners have paid the requisite court fee   | First of all this is not case which has been transferred  |



chargeable with this petition.

**Limitation :**

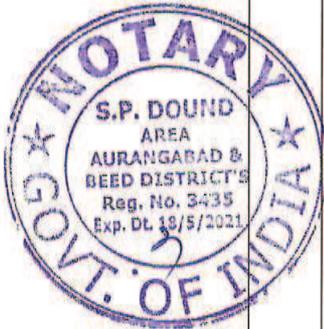
Appellant states the said cause of action has started from the 16-9-2016 and arisen from the said date and thus the Appellant approached Hon'ble High Court with extreme urgency after making several request Respondents and then without making any delay on its part. The said Writ Petition withdrawn on 25-11-2019 with the express liberty to approach this Hon'ble Tribunal and directed the parties to inform regarding the outcome of the petition. Copy of the order dated 16-1-2019 is annexed hereto and marked as **ANNEXURE 'I'**. The Appellant is filing this appeal immediately, which is within limitation and in time as prescribed U/sec. 16 of the National Green Tribunal Act, 2010.

by the Hon'ble High Court to this Hon'ble Tribunal for deciding on its own merit.

The cause of action arose as alleged by the applicants in 2016 & 2017 and the applicants have approached in the year 2020 after lapse of 04 years period. Therefore, law of limitation would be applied to present case as the application is not within limitation period as prescribed U/sec. 14 of the National Green Tribunal Act. Hence, the application is hopelessly barred by limitation.



|  |  |
|--|--|
| <p><b><u>Therefore, it is prayed that:</u></b></p> <p>a) This petition may kindly be allowed with cost.</p> <p>b) Respondent No. 5 be directed to restore the property of these Petitioners which was damaged on account of the pollution and effluents of Respondent no. 5.</p> <p>c) Respondent no. 6 be directed to pay to compensation to these Petitioners.</p> <p>d) Pass such further and other reliefs as the nature and circumstances of the case may be.</p> <p>e) Give direction to Respondent 1 to 5 to take a legal action on Respondent no. 6.</p> | <p><b>Reply to all the Prayer Clauses :</b></p> <p>The Prayers can be related to any one single cause of action and relief consequential to that single cause. That, single cause itself has not been identified, that has been triggered the application against the respondent no. 6. There is no specific claim of the applicants in the entire application that whose discloses that, under what section the application is filed. There are no sections quoted in the entire application in which the applicants wanted to invoke the jurisdiction of this Hon'ble Tribunal. The respondent no. 6 has all the statutory permission including "Environmental Clearance" and "Consent to operate" the industry which is operated by respondent no. 6 in compliance with all the conditions. The respondent no. 6 is not</p> |
|--|--|



related to the cause itself and there is no evidence produced to that effect for seeking consequential relief of compensation and restitution U/sec. 15 related to the one single cause that has been triggered in this application. No substantial question of Environment as defined in 2(m) has been made-out. The relief for compensation is not at all maintainable. For seeking compensation the applicants have substantially failed to give proper evidence for adjudicating the claim of compensation which is as under :

- i) The earning of the applicants from the farmlands, from the past Income Tax Returns and Bazar Samiti Patti (Sale Notes of food-grain).
- ii) Linkage of respondent no. 6 to their farmlands.

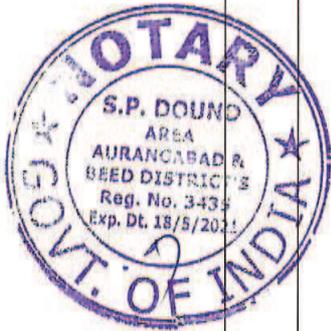


|  |  |   |
|--|--|---|
|  |  | <p>iii) Damage to their farmlands from the pollution caused.</p> <p>iv) The land is capable of producing the yield claimed by them.</p> <p>v) What quantum of loss is being caused has not been substantially proved.</p> <p>v) The yield (crop) was low because of pollution and not cause of any other reason.</p> <p>vi) The applicants have not claimed any other relief like loan waiver and subsidy and trying to exploit double benefit.</p> <p>vii) The applicants cannot be sought relief of compensation for such imaginary cause of action, fine, penalty and punishment as provided under National Green Tribunal Act cannot be imposed without following due process of law as contemplated U/secs. 15 &amp;</p> |
|--|--|---|



19 of the Environmental Protection Act, 1986.

viii) The present proceedings filed by the applicants is abuse of process of law. Therefore, Rs. 1,00,000/- (Rupees One Lakh only) cost is required to be saddled against each of the applicant for unnecessary dragging the present respondent in litigation, harassment and false propaganda though there is nothing on record to show that, the respondent no. 6 is ever concerned and damages to the agricultural land of applicants. The applicants have withdrawn the Writ Petition after long period without any reason and only mentioned that, the applicants wanted to invoke the remedy before this Hon'ble Tribunal therefore, the Hon'ble High Court has permitted the applicant to withdraw the proceeding. Hence, the applicants have



|  |  |  |
|--|--|--|
|  |  | unnecessarily harassed the present respondent no. 6, therefore, the present respondent no. 6 is entitled for heavy cost. |
|--|--|--|

4. I say and submit that, considering this actual aspect placed before this Hon'ble Tribunal, there is no substance in the application. The said application is filed only to cause harassment and with ulterior motive for which they failed before the Hon'ble High Court. Hence, the application is any devoid of any merit the same may kindly be dismissed with heavy cost.

5. I say and submit that, the respondent no. 5 herein Regional Public Health Laboratory, Aurangabad has filed Affidavit and alleged that, the allegations made in the application by applicants are false and baseless. The reply so far as para No. 6 mentioned on Page No. 5, para No. 7, para No. 8 & para No. 9 submitted before this Hon'ble Tribunal which supports the case of present respondent no. 6. The reply filed by respondent no. 5 – Regional Public Health Laboratory, Aurangabad has specifically mentioned that, the water itself is not at all having any problem as alleged by the applicants. Considering the specific test report submitted by



respondent no. 5. Hence, the entire allegations of the applicant made-out in the application are incorrect, baseless and far away from truth. In view of the Reply by present respondent no. 6 and respondent no. 5 the application is devoid of any merit, hence, the same is required to be dismissed with heavy cost.

Hence, this Affidavit-in-Reply.

DEPONENT,

PLACE : PUNE

DATE : 31/10/2020

For Radico NV Distilleries Maharashtra Ltd.

Authorized Signatory

**M/s. Radico NV Distilleries  
Maharashtra Ltd.,**  
Through its : Sr. Vice President,  
**Ashish Kapoor s/o Surendra  
Kumar Kapoor**

SUBMITTED BY :

**(PRABHAKAR K. JOSHI)**  
ADVOCATE FOR RESPONDENT NO.6.



VERIFICATION

I, **Ashish Kapoor s/o Surendra Kumar Kapoor**, Age 58 years, Occu. Service as a **'Sr.Vice-President'** with **M/s. Radico (NV) Distilleries Maharashtra Ltd.**, Office at D-192 to 195, Shendra Five Star Industrial Area, Aurangabad, do hereby state on oath that, the contents of this Affidavit-in-Reply from para Nos. 1 to 5 are true and correct to the best of our knowledge as per information gathered from office record.

Hence, this verified at Aurangabad on 27 th day of October, 2020.

DEPONENT,

For Radico NV Distilleries Maharashtra Ltd.

Authorized Signatory

**M/s. Radico NV Distilleries Maharashtra Ltd.,**  
Through its: Sr.Vice-President,  
**Ashish Kapoor s/o Surendra Kumar Kapoor**

Identified and Explained by me :

**(PRABHAKAR K. JOSHI)**  
Advocate.

**AFFIDAVIT**

Solemnly affirmed before me  
by Shri Smt Ashish Kapoor Surendra Kapoor  
R/o. Aurangabad  
Tq. Aurangabad Dist. Aurangabad  
Who identified by Prabakar K. Joshi  
Whom He/ She is personally Known.

**BEFORE ME**

**SURJIT KANDITRAO DOUND**  
Advocate Notary Govt. of India  
AREA-AURANGABAD & BEED DISTRICTS  
☎ : (0240)-2481952 (M)9371003338  
Reg. No. 3435

**NOTED & REGISTERED**  
AT Sr. No. 19965 2020  
THIS DOCUMENT CONTAINS  
31 PAGES



31-A

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO. 12/2020 (WZ)**

Shubhash S/o Mhasuji Gadekar  
And another

**..Petitioner/  
Applicants**

**Versus**

The State of Maharashtra  
And Others

**...Respondent**

**Affidavit in reply submitted by Respondent No. 6  
Radico NV Distilleries Maharashtra Limited**

**LIST OF DOCUMENT**

| Sr. No. | Particulars of Documents   | Page No. |
|---------|--|----------|
| A       | Consent to Operate dated 02.09.2016 for composed yard of 6 Acres area.                 | 32 To 32 |
| B       | Consent to Operate dated 19.07.2016 for composed yard of 6 Acres area.                 | 33 To 36 |
| C       | Copy of renewal consent to operate for composed yard of 6 Acres area. Dated 16.09.2019 | 37 To 42 |
| D       | Copy of Google image of measure distance.  | 43 To 44 |
| E       | Copy of photographs.   | 45 To 49 |
| F       | Vakalatnama  |          |
|         | Last page  |          |

Date : 31/10/2020  
Place : Pune.

Prabhakar K Joshi  
Advocate for Res. No. 6



## MAHARASHTRA POLLUTION CONTROL BOARD

Phone : 4010437/4023781  
/4037124/4035273  
Fax : 24044532/4024068 /4023516  
Email : enquiry@mpcb.gov.in  
Visit At : <http://mpcb.gov.in>



Kalpataru Point, 3rd & 4th floor, Sion- Matunga  
Scheme Road No. 8, Opp. Cine Planet Cinema, Near  
Sion Circle, Sion (E),  
Mumbai - 400 022

Consent order No:- BO/CAC-CELL/EIC NO.AD-16/O/CAC-811

Date- 02/09/2016.

### Corrigendum

**Sub :** 1<sup>st</sup> Consent to Operate for Compost yard of 6 acres area for the disposal of spent wash generated from M/s. Radico (NV) Distilleries Maharashtra Ltd., Plot No. 192 to 195, MIDC Shendra at proposed site located at G. No. 12, Vill. Takli Mali, Tal. & Dist. Aurangabad.

**Ref :** 1] Board's Consent vide No. BO/CAC-CELL/EIC No. AD-16/O/CAC-9243 dtd. 19.07.2016.  
2] Industry representation vide letter dtd. 06.08.2016.

In partial modification to the Consent issued vide reference 1, the following amendment is made

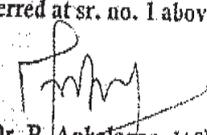
**FOR:**

1. The consent is granted for Compost yard of 6 acres area for the disposal of spent wash as per CREP norms for a period up to 31.08.2016.

**READ:**

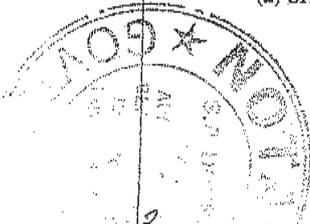
1. The consent is granted for Compost yard of 6 acres area for the disposal of spent wash as per CREP norms for a period up to 31.08.2018.

All other conditions of the Consent referred at sr. no. 1 shall remain unchanged. This amendment is valid only alongwith the Consent referred at sr. no. 1 above.

  
 (Dr. P. Anhalagan, IAS)  
 Member Secretary

Copy for information to -

- (1) Regional Officer, MPCB, Aurangabad.
- (2) SRO, MPCB, Aurangabad.



# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701  
 Fax: 24024068 /24023515  
 Website: <http://mpcb.gov.in>  
 E-mail: [mpcb@vsnl.net](mailto:mpcb@vsnl.net)



Kalpataru Point, 2<sup>nd</sup> - 4<sup>th</sup> Floor,  
 Opp. Cine Planet Cinema,  
 Near Sion Circle, Sion (E)  
 Mumbai - 400 022

Red/LSI

Date: 19/07/2016.

Consent No: Format -1.0/BO/CAC-CELL/EIC NO.AD---16/O/CAC-9243

To,  
 M/s. Radico (NV) Distilleries Maharashtra Ltd.,  
 G. No. 12, Vill. Takli Mali,  
 Tal. & Dist. Aurangabad.

Subject : 1<sup>st</sup> Consent to Operate for Compost yard of 6 acres area for the disposal of spent wash generated from M/s. Radico (NV) Distilleries Maharashtra Ltd., Plot No. 192 to 195, MIDC Shendra at proposed site located at G. No. 12, Vill. Takli Mali, Tal. & Dist. Aurangabad.

Ref : 1. Consent to Establish granted by the Board vide no. BO/CAC-CELL/EIC No. AD-17848-15/E/CAC-4981 dtd. 16.04.2016.  
 2. Minutes of CAC meeting held on 08/07/2016.

Your application: CO1604000120.  
 Dated: 29.04.2016.

For: 1<sup>st</sup> Consent to Operate for Compost yard of 6 acres area for the disposal of spent wash generated from M/s. Radico (NV) Distilleries Maharashtra Ltd., Plot No. 192 to 195, MIDC Shendra at proposed site located at G. No. 12, Vill. Takli Mali, Tal. & Dist. Aurangabad, 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 5 of the Hazardous Wastes (M, H & T M) Rules 2008 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I, II, & III annexed to this order:

- The consent is granted for Compost yard of 6 acres area for the disposal of spent wash as per CREP norms for a period up to 31.08.2016.
- The total capital investment of the proposed composting activity is Rs. 16 Cr. & CI of the existing distillery unit is Rs 306.03 Cr. (As per C.A. Certificate submitted by industry)
- The Consent is valid for the manufacture of -

| Sr. No. | Product / By-Product Name | Maximum Quantity | Unit |
|---------|---------------------------|------------------|------|
| 1       | Bio-Compost               | 9500             | MT/A |

Bio-composting activity on 6 acres of compost yard & transportation of 186 CMD concentrated spent wash generated from M/s. Radico (NV) Distilleries Maharashtra Ltd., Plot No. 192 to 195, MIDC Shendra at proposed compost site located at G. No. 12, Vill. Takli Mali, Tal. & Dist. Aurangabad

M/s. Radico NV Distilleries Maharashtra Ltd., SHO Aurangabad, Tel: 24010437

Page 1 of 4



## 4. Conditions under Water (P&amp;CP), 1974 Act for discharge of effluent:

| Sr. no. | Description       | Permitted quantity of discharge (CMD) | Standards to be achieved | Disposal               |
|---------|-------------------|---------------------------------------|--------------------------|------------------------|
| 1.      | Trade effluent    | Nil                                   | NA                       | NA                     |
| 2.      | Domestic effluent | 0.8                                   | As per schedule - I      | On land for gardening. |

## 5. Conditions under Air (P&amp;CP) Act, 1981 for air emissions:

| Sr. no. | Description of stack / source | Number of Stack | Standards to be achieved |
|---------|-------------------------------|-----------------|--------------------------|
|         |                               | -----NA-----    |                          |

## 6. Conditions under Hazardous Waste (M, H &amp; T M) Rules, 2008 for treatment and disposal of hazardous waste:

| Sr. No. | Type of Waste | Category | Quantity      | UOM | Disposal |
|---------|---------------|----------|---------------|-----|----------|
|         |               |          | -----NIL----- |     |          |

## 7. Non-Hazardous Solid Wastes:

| Sr. No. | Type of Waste | Quantity | UOM  | Treatment      | Disposal    |
|---------|---------------|----------|------|----------------|-------------|
| 1       | Yeast Sludge  | 90       | MT/A | Bio composting | As a manure |

8. This Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government agencies.
10. Industry shall transport 186 CMD concentrated spent wash through tankers of 20 KL capacity.
11. Industry shall ensure that all the tankers used to transport of spent wash to be fitted with web base GPS system to record the position from origin to destination.
12. Industry shall submit the details of the spent wash sent to bio-composting facility, to SRO office on monthly basis through e-mail at [sroaurangabad1@mpcb.gov.in](mailto:sroaurangabad1@mpcb.gov.in)
13. Industry shall comply the CREP conditions.

For and on behalf of the  
Maharashtra Pollution Control Board

*(P. K. Mirashe)*  
(P. K. Mirashe)  
Member Secretary

Received Consent fee of -

| Sr. No. | Amount (₹)   | DD. No. | Date       | Drawn On |
|---------|--------------|---------|------------|----------|
| 01      | Rs. 50,100/- | 571382  | 18.04.2016 | SBI Bank |
| 02      | Rs. 26,666/- | 571489  | 15.07.2016 | SBI Bank |

Copy to:

1. Regional Officer - MPCB Aurangabad - He is directed to release the BG of Rs. 10 Lakh submitted towards compliance of C to E conditions.
2. Sub-Regional Officer - Aurangabad, MPCB, He is directed to ensure the compliance of the consent conditions and monitor the activity on weekly basis.
3. Chief Accounts Officer, MPCB, Mumbai.
4. CC/CAC desk- for record & website updation purposes.



Schedule-ID) Terms & Conditions for compliance of Water Pollution ControlA) Conditions for Aerobic Composting:

- i. The spent wash should be stored in impervious tanks. The spent wash tanks should have proper lining with HDPE and should be kept in proper condition to prevent ground water pollution. As per the CPCB recommendation and undertaking given by the company, storage should not exceed 30 days capacity.
  - ii. Applicant shall ensure availability of adequate filler material such as press mud, bagasses, agricultural, biological waste as required for effective composting system.
  - iii. Composted material shall meet the following specifications—
 

|             |     |           |
|-------------|-----|-----------|
| Moisture    | ... | 30 to 35% |
| C/N         | ... | Below 17  |
| Nitrogen    | ... | 1.5 to 2% |
| Phosphorous | ... | 1.5 to 2% |
| Potassium   | ... | 3 to 4%   |
  - iv. The composting site shall be prepared as per the guideline enclosed. Composting shall be such that it includes mechanical mixing and spraying of spent wash along with mechanical aeration to ensure thorough composting. Hand/ manual spraying of spent wash shall not be permitted.
  - v. The compost leachete (1 gr. of compost mixed with 100 ml. of distilled water and filtered) Filtrate shall conform to the following limit.
 

|                       |               |            |
|-----------------------|---------------|------------|
| pH                    | Between       | 7.5 to 8.0 |
| BOD 3 days 27 Deg. C. | Not to exceed | 30 mg/l.   |
  - vi. A pucca leak proof guard pond of 30 days holding capacity as per (i) above shall cope up with the effluent discharge during short term process disturbances. In case of prolonged disturbance in effluent treatment and disposal system, distillery shall be shut down and shall not be restarted without rectifying the system.
  - vii. The composting site/pits shall be made leak proof by proper lining. A catch drain shall be provided around the composting site to collect the storage pond for application on compost depots. Arrangements for overturning of compost material in windrows and spraying of spent wash shall be made to ensure appropriate aeration and uniform distribution of spent wash.
  - viii. In case of composting in open fields, the application of spent wash shall stop by end of April, so that compost is ready and the site is cleared of the composted manure before monsoon (i.e. 31st May). The manure shall be collected and stored on a raised platform with suitable rain cover so that the compost manure is not washed away by rain/runoff.
  - ix. Characteristic of soil, ground water and effect on crop yield should be monitored in the area where compost is used as manure and results thereof shall be compiled and reported in the Environment statement to be submitted every year.
  - x. The test wells shall be provided around the compost site for ground water monitoring. The well water quality has to be maintained at 2006 level.
  - xi. Top pullover impervious sheets shall be provided for entire compost yard, press mud and compost storage so as to cover the same during untimely rains and idles period.
- 1) The industry shall create Environmental Cell by appointing an Environmental Engineer, Chemist and Agriculture expert for looking after day to day activities related to Environment and irrigation field where treated effluent is used for irrigation.



- 2) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time/ Environmental Clearance / CREP guidelines if applicable.

- II) Conditions under Water (Prevention & Control of Pollution) CESS Act, 1977 as amended  
The Applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 and as amended, by installing water meters, filing water cess returns in Form-I and other provisions as contained in the said act.

| Sr. No. | Purpose for water consumed   | Water consumption quantity (CMD) |
|---------|--|----------------------------------|
| 1.      | Industrial Cooling, boiler feed etc.,  | 00.0                             |
| 2.      | Domestic purpose   | 1.0                              |
| 3.      | Processing whereby water gets polluted & pollutants are easily biodegradable                   | 00.0                             |
| 4.      | Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic | —                                |

Schedule-II

Terms & conditions for compliance of Air Pollution Control

Not Applicable as steam is not required.

Schedule-III

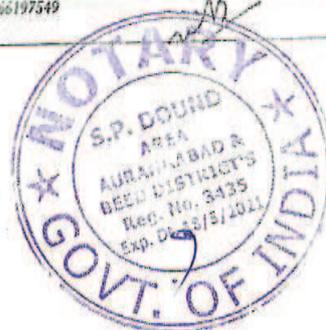
Details of Bank Guarantees

| Sr. No. | Consent (C to E/O/N) | Amt of BG Imposed | Submission Period | Purpose of BG                       | Compliance Period                      | Validity Date |
|---------|----------------------|-------------------|-------------------|-------------------------------------|--|---------------|
| 1       | C to E               | 10/- Lakhs        | 15 days           | Compliance of conditions of C to E. | Till obtaining 1 <sup>st</sup> C to O. | 1 year        |

Schedule-IV

General Conditions

Not Applicable.



# MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701  
 Fax: 24024068 /24023515  
 Website: http://mpcb.gov.in  
 E-mail: mpcb@vsnl.net



Kalpataru Point, 2<sup>nd</sup> - 4<sup>th</sup> Floor,  
 Opp. Cine Planet Cinema,  
 Near Sion Circle, Sion (E)  
 Mumbai - 400 022

Red/LSI

Date: 16/09/2019

Consent No: Format -1.0/BO/CAC-CELL/UAN No. 0000051779/R/CAC-1902000185-A

To,

M/s. Radico (NV) Distilleries Maharashtra Ltd.,  
 Gat No. 12, Vill. Takli Mali,  
 Tal. & Dist. Aurangabad.

**Subject :** Renewal of Consent to Operate for Compost Yard of 6 acre area for the disposal of spent wash generated from M/s Radico (NV) Distilleries Maharashtra Ltd., Plot no. 192 to 195, MIDC Shendar at location Gat no. 12, Vill.- Takli Mali, Tal. & Dist. Aurangabad.

- Ref :**
1. Consent to Operate granted by Board vide No. BO/CAC-CELL/EIC No. AD----16/O/CAC-9243 dtd. 19.07.2016.
  2. Corrigendum- Consent order no:- BO/CAC-CELL/EIC No. AD----16/O/CAC-811 dtd. 02.09.2016
  3. Minutes of CAC meeting held on 28.11.2018.

Your application: 0000051779.

Dated: 02.07.2018.

**For:** Renewal of Consent to Operate for Compost Yard of 6 acre area for the disposal of spent wash generated from M/s Radico (NV) Distilleries Maharashtra Ltd., Plot no. 192 to 195, MIDC Shendar at location Gat no. 12, Vill.- Takli Mali, Tal. & Dist. Aurangabad. under RED category, 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 5 of the Hazardous Wastes (M, H & T M) Rules 2008 is considered and the consent is hereby granted subject to the following terms and conditions and as detailed in the schedule I, II, & III annexed to this order:

1. The consent is granted for a period from 01.09.2018 to 31.08.2023.
2. The total capital investment of the Distillery Unit is Rs. 17.39 Crs (As per C.A. Certificate submitted by industry)
3. The Consent is valid for the manufacture of -

| Sr. No. | Product / By-Product Name | Maximum Quantity | UoM  |
|---------|---------------------------|------------------|------|
| 1       | Bio-Compost               | 9500             | MT/A |

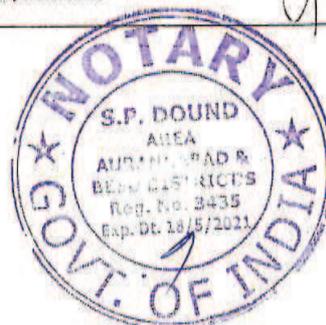
Bio-composting activity on 6 acres of compost yard & transportation of 186 CMD concentrated spent wash generated from M/s Radico (NV) Distilleries Maharashtra Ltd., Plot No. 192 to 195, MIDC Shendar at compost site located at Gat no. 12, Vill. Takli Mali, Tal. & Dist. - Aurangabad.

4. Conditions under Water (P&CP), 1974 Act for discharge of effluent:

| Sr. no. | Description    | Permitted quantity of discharge (CMD) | Standards to be achieved | Disposal               |
|---------|----------------|---------------------------------------|--------------------------|------------------------|
| 1.      | Trade effluent | NIL                                   | N.A.                     | N.A.                   |
| 2.      | 0.8            | 5.0                                   | As per Schedule -I       | On land for irrigation |

M/s. Radico (NV) Distilleries Maharashtra Ltd., SRO Aurangabad/1/1/R/L0000051779

Page 1 of 6



## 5. Conditions under Air (P&amp; CP) Act, 1981 for air emissions:

| Sr. no. | Description of stack / source | Number of Stack | Standards to be achieved |
|---------|-------------------------------|-----------------|--------------------------|
|         |                               | N.A.            |                          |

## 6. Conditions under Hazardous Waste (M, H &amp; T M) Rules, 2008 for treatment and disposal of hazardous waste:

| Sr. No. | Type of Waste | Category | Quantity | UOM | Disposal |
|---------|---------------|----------|----------|-----|----------|
|         |               |          |          |     | N.A.     |

## 7. Non-Hazardous Solid Wastes:

| Sr. No. | Type of Waste | Quantity | UOM  | Treatment      | Disposal    |
|---------|---------------|----------|------|----------------|-------------|
| 1       | Yeast Sludge  | 90       | MT/A | Bio Composting | As a Manure |

8. This Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
9. This consent should not be construed as exemption from obtaining necessary NOC/permission from any other Government agencies.
10. Industry shall transport 186 CMD concentrated spent wash through tankers of 20 KL capacity.
11. Industry shall ensure that all the tankers used to transport of spent wash to be fitted with web base GPS system to record the position from origin to destination.
12. Industry shall submit the details of the spent wash sent to bio-composting facility to SRO office on monthly basis through email at [sroaurangabad1@mpcb.gov.in](mailto:sroaurangabad1@mpcb.gov.in)
13. Industry shall comply with the CREP conditions.

For and on behalf of the  
Maharashtra Pollution Control Board

(E. Ravendiran, IAS)  
Member Secretary

## Received Consent fee of -

| Sr. No. | Amount (Rs)    | DD. No.     | Date       | Drawn On            |
|---------|----------------|-------------|------------|---------------------|
| 01      | Rs. 2,50,000/- | CTD2615832  | 03.07.2018 | State Bank of India |
| 02      | Rs. 15,000/-   | CTD-3944951 | 18.07.2018 | State Bank of India |

## Copy to:

1. Regional Officer - MPCB Aurangabad & Sub-Regional Officer MPCB - Aurangabad - I  
- They are directed to ensure the compliance of the consent conditions.
2. Chief Accounts Officer, MPCB, Mumbai.
3. CAC desk- for record & website updation purposes.



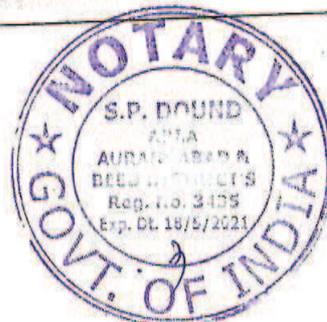
39

Schedule-I**D) Terms & Conditions for compliance of Water Pollution Control****A) Conditions for Aerobic Composting:**

- i. The spent wash should be stored in impervious tanks. The spent wash tanks should have proper lining with HDPE and should be kept in proper condition to prevent ground water pollution. As per the CPCB recommendation and undertaking given by the company, storage should not exceed 30 days capacity.
  - ii. Applicant shall ensure availability of adequate filler material such as press mud, bagasses, agricultural, biological waste as required for effective composting system.
  - iii. Composted material shall meet the following specifications—
 

|             |               |
|-------------|---------------|
| Moisture    | ... 30 to 35% |
| C/N         | ... Below 17  |
| Nitrogen    | ... 1.5 to 2% |
| Phosphorous | ... 1.5 to 2% |
| Potassium   | ... 3 to 4%   |
  - iv. The composting site shall be prepared as per the guideline enclosed. Composting shall be such that it includes mechanical mixing and spraying of spent wash along with mechanical aeration to ensure thorough composting. Hand/ manual spraying of spent wash shall not be permitted.
  - v. The compost leachate (1 gr. of compost mixed with 100 ml. of distilled water and filtered) Filterate shall conform to the following limit.
 

|                       |               |            |
|-----------------------|---------------|------------|
| pH                    | Between       | 7.5 to 8.0 |
| BOD 3 days 27 Deg. C. | Not to exceed | 30 mg/l.   |
  - vi. A pucca leak proof guard pond of 30 days holding capacity as per (i) above shall cope up with the effluent discharge during short term process disturbances. In case of prolonged disturbance in effluent treatment and disposal system, distillery shall be shut down and shall not be restarted without rectifying the system.
  - vii. The composting site/pits shall be made leak proof by proper lining. A catch drain shall be provided around the composting site with leachate pit and lifting on way for application on compost making. Arrangements for overturning of compost material in windrows and spraying of spent wash shall be made to ensure appropriate aeration and uniform distribution of spent wash.
  - viii. In case of composting in open fields, the application of spent wash shall stop by end of April, so that compost is ready and the site is cleared of the composted manure before monsoon (i.e. 31st May). The manure shall be collected and stored on a raised platform with suitable rain cover so that the compost manure is not washed away by rain/runoff.
  - ix. Characteristic of soil, ground water and effect on crop yield should be monitored in the area where compost is used as manure and results thereof shall be compiled and reported in the Environment statement to be submitted every year.
  - x. The test wells shall be provided around the compost site for ground water monitoring. And report shall be submitted quality basis to Board office.
  - xi. Top pullover impervious sheets shall be provided for entire compost yard, press mud and compost storage so as to cover the same during untimely rains and idles period.
- 1) The industry shall create Environmental Cell by appointing an Environmental Engineer, Chemist and Agriculture expert for looking after day to day activities related to Environment and irrigation field where treated effluent is used for irrigation.



- 2) The Applicant shall provide Specific Water Pollution control system as per the conditions of EP Act, 1986 and rule made there under from time to time/ Environmental Clearance / CREP guidelines if applicable.

**II) Water Consumption of the Unit:-**

| Sr. No. | Purpose for water consumed   | Water consumption quantity (CMD) |
|---------|--|----------------------------------|
| 1.      | Industrial Cooling, boiler feed etc.,  | 00                               |
| 2.      | Domestic purpose.  | 1.0                              |
| 3.      | Processing whereby water gets polluted & pollutants are easily biodegradable                   | 00                               |
| 4.      | Processing whereby water gets polluted & pollutants are not easily biodegradable and are toxic | —                                |

**Schedule-II**

**Terms & conditions for compliance of Air Pollution Control**

Not Applicable as steam is not required.

**Schedule-III**

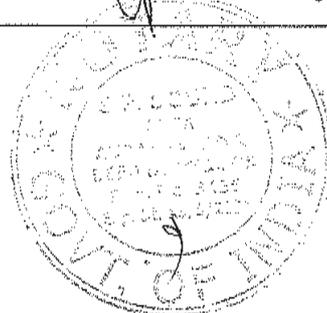
**Details of Bank Guarantees**

| Sr. No. | Consent (C to E/O/R) | Amt of BG Imposed | Submission Period | Purpose of BG                    | Compliance Period | Validity Date |
|---------|----------------------|-------------------|-------------------|----------------------------------|-------------------|---------------|
| 1       | C to R               | Rs. 10 Lacs       | To be extend      | Compliance of consent conditions | 31.08.2023        | 31.12.2023    |



**Schedule-IV**  
**General Conditions**

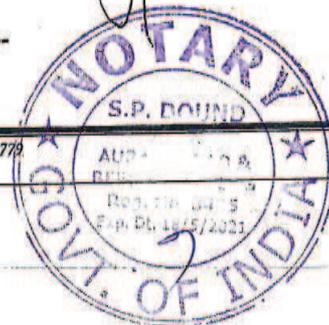
- 1) The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous waste to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- 2) Industry should monitor effluent quality, stack emissions and ambient air quality monthly/quarterly.
- 3) The applicant shall provide ports in the chimney/(s) and facilities such as ladder, platform etc. for monitoring the air emissions and the same shall be open for inspection to/and for use of the Board's Staff. The chimney(s) vents attached to various sources of emission shall be designated by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
- 4) Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Board, concerned Police Station, office of Directorate of Health Services, Department of Explosives, Inspectorate of Factories and Local Body. In case of failure of pollution control equipments, the production process connected to it shall be stopped.
- 5) The applicant shall provide an alternate electric power source sufficient to operate all pollution control facilities installed to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms and conditions of this consent.
- 6) The firm shall submit to this office, the 30<sup>th</sup> day of September, every year, the Environmental Statement Report for the financial year ending 31<sup>st</sup> March in the prescribed Form-V as per the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
- 7) The industry shall recycle/reprocess/reuse/recover Hazardous Waste as per the provision contain in the HW (MH&TM) Rules 2008, which can be recycled /processed /reused /recovered and only waste which has to be incinerated shall go to incineration and waste which can be used for land filling and cannot be recycled/reprocessed etc should go for that purpose, in order to reduce load on incineration and landfill site/environment.
- 8) The industry should comply with the Hazardous Waste (M, H & TM) Rules, 2008 and submit the Annual Returns as per Rule 5(6) & 22(2) of Hazardous Waste (M, H & TM) Rules, 2008 for the preceding year April to March in Form-IV by 30<sup>th</sup> June of every year.
- 9) An inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
- 10) **The applicant shall make an application for renewal of the consent before 60 days from the date of the expiry of the consent.**
- 11) Industry shall strictly comply with the Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 and Environmental Protection Act, 1986 and industry specific standard under EP Rules 1986 which are available on MPCB website ([www.mpcb.gov.in](http://www.mpcb.gov.in)).
- 12) Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of the collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes/sewers downstream of the terminal manholes, No effluent shall find its way other than in designed and provided collection system.
- 13) Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
- 14) The applicant shall install a separate meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.
- 15) Conditions for D.G. Set
  - a) Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
  - b) Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with



42

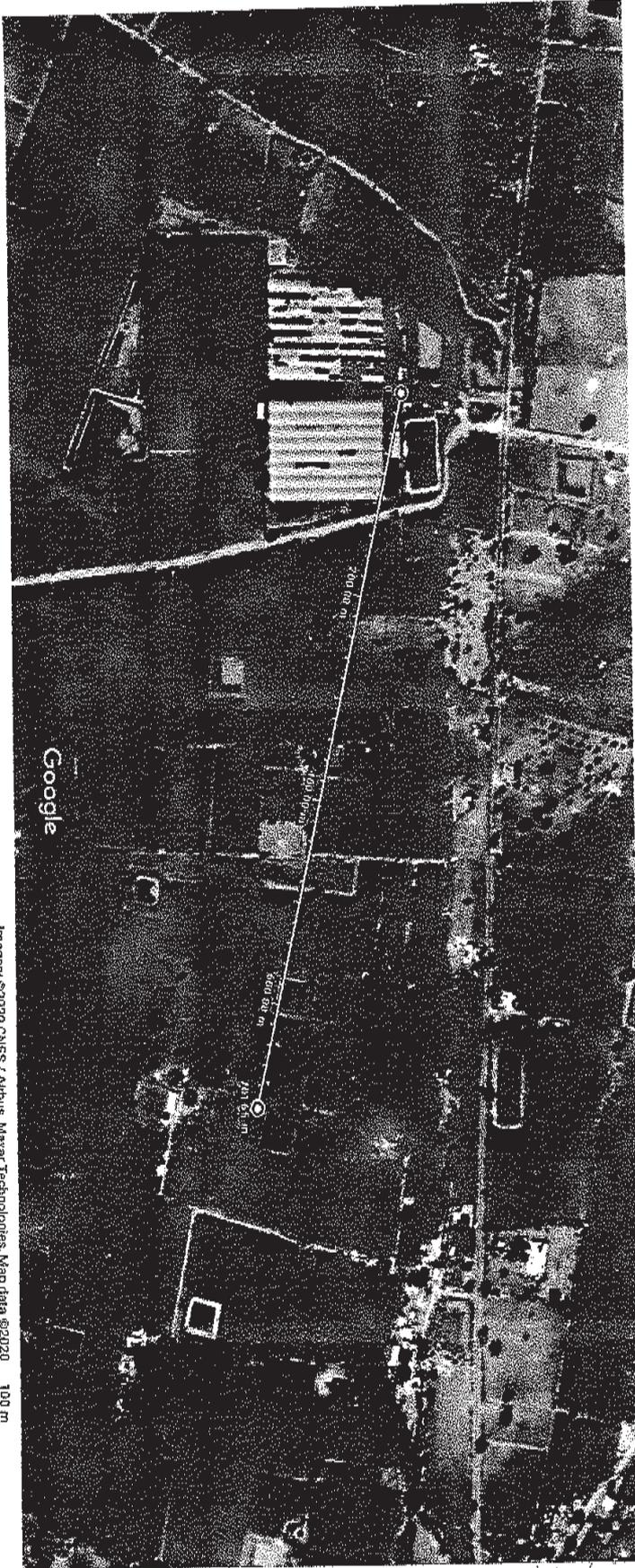
- insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
- c) Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
  - d) Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
  - e) A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use.
  - f) D.G. Set shall be operated only in case of power failure.
  - g) The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.
  - h) The applicant shall comply with the notification of MoEF dated 17.05.2002 regarding noise limit for generator sets run with diesel.
- 16) The industry should not cause any nuisance in surrounding area.
  - 17) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB (A) during day time and 70 dB (A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.
  - 18) The applicant shall maintain good housekeeping.
  - 19) The applicant shall bring minimum 33% of the available open land under green coverage/ plantation. The applicant shall submit a yearly statement by 30th September every year on available open plot area, number of trees surviving as on 31<sup>st</sup> March of the year and number of trees planted by September end.
  - 20) The non-hazardous solid waste arising in the factory premises, sweepings, etc. be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal of solid waste.
  - 21) The applicant shall not change or alter the quantity, quality, the rate of discharge, temperature or the mode of the effluent/emissions or hazardous wastes or control equipments provided for without previous written permission of the Board. The industry will not carry out any activity, for which this consent has not been granted/without prior consent of the Board.
  - 22) The industry shall ensure that fugitive emissions from the activity are controlled so as to maintain clean and safe environment in and around the factory premises.
  - 23) The industry shall submit quarterly statement in respect of industries obligation towards consent and pollution control compliance's duly supported with documentary evidences (format can downloaded from MPCB official site).
  - 24) The industry shall submit official e-mail address and any change will be duly informed to the MPCB.
  - 25) The industry shall achieve the National Ambient Air Quality standards prescribed vide Government of India, Notification dt. 16.11.2009 as amended.
  - 26) The Board reserves its rights to review plans, specifications or other data relating to plant setup for the treatment of waterworks for the purification thereof & the system for the disposal of sewage or trade effluent or in connection with the grant of any consent conditions. The Applicant shall obtain prior consent of the Board to take steps to establish the unit or establish any treatment and disposal system or an extension or addition thereto.
  - 27) The industry shall ensure replacement of pollution control system or its parts after expiry of its expected life as defined by manufacturer so as to ensure the compliance of standards and safety of the operation thereof.

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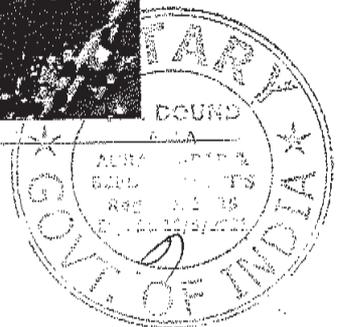
43

Google Maps



Measure distance  
 Total distance: 701.65 m (2,301.99 ft)

Imagery ©2020 CNES / Airbus, Maxar Technologies, Map data ©2020 100 m



44

Google Maps



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Measure distance

Total distance: 701.35 m (2301.02 ft)



45-A



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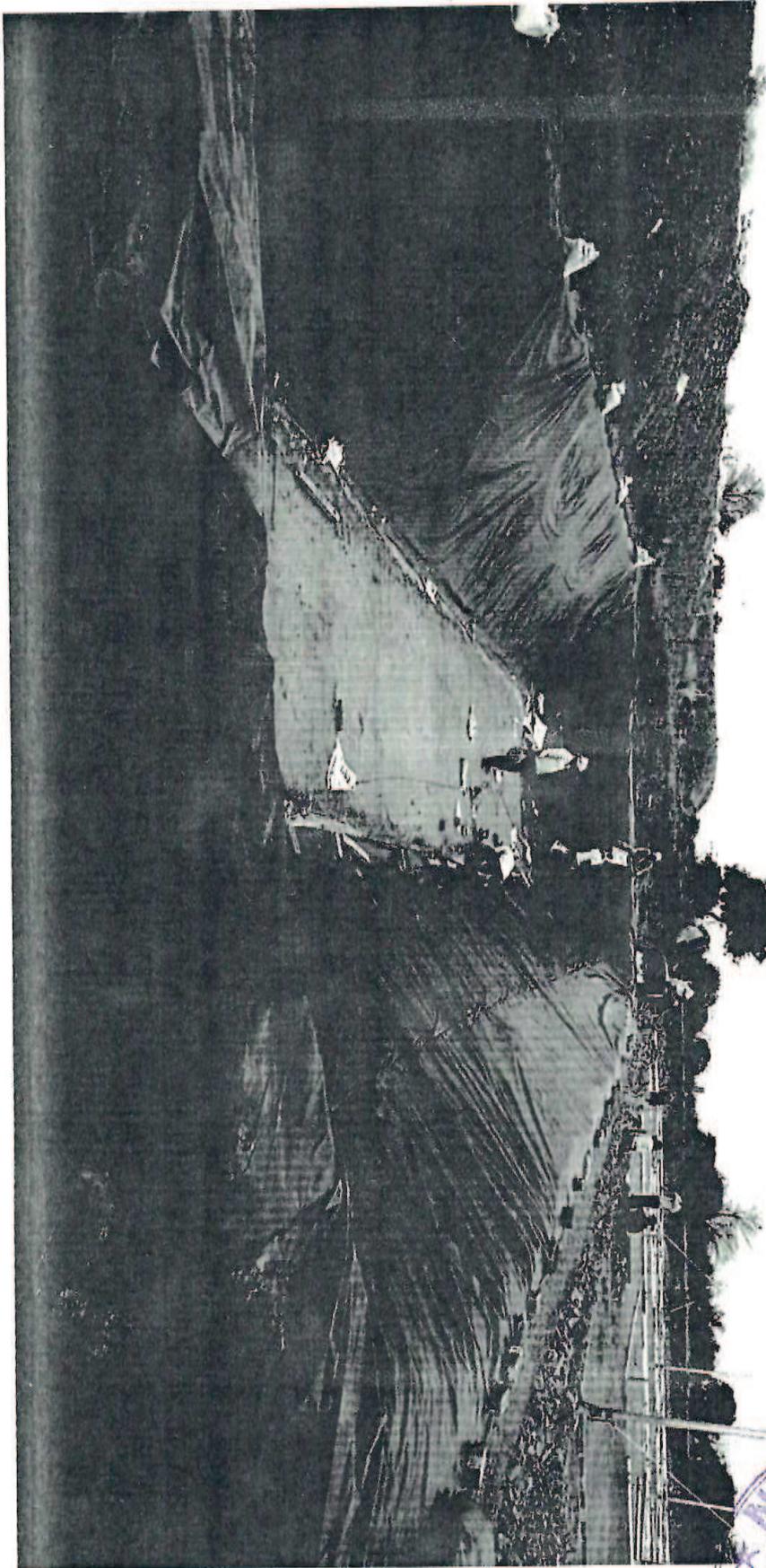
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BEED-DISTRICT'S  
Reg. No. 3435  
Exp. Dt. 18/5/2021  
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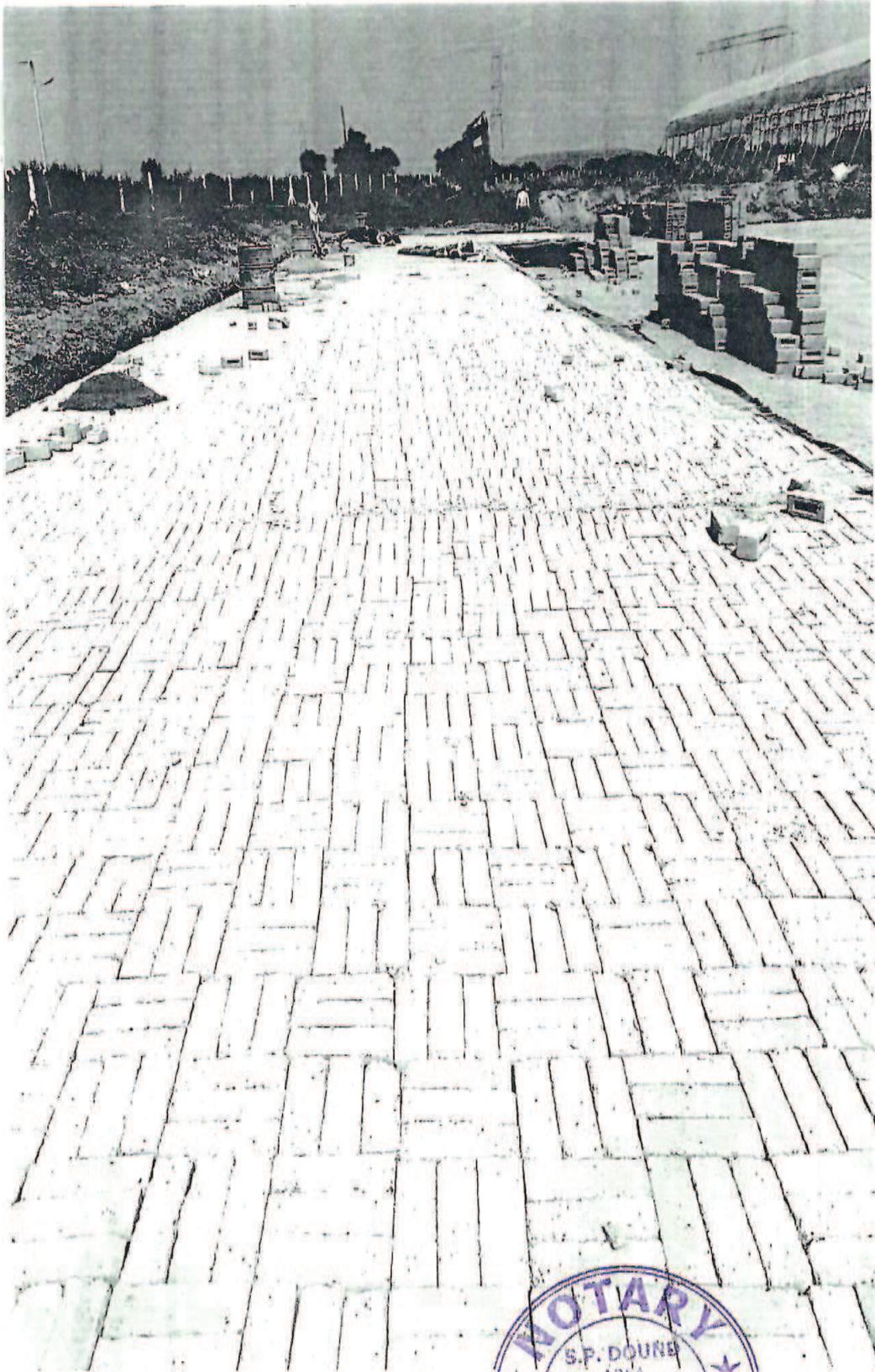
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48



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49



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