



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

(Appeal Under Section 16 of the NGT Act, 2010)

APPEAL NO. 01 OF 2022

M/S. NIX POLYMERS

.... APPELLANT

Versus

MAHARASHTRA POLLUTION  
CONTROL BOARD, & OTHERS

... RESPONDENTS

24 MAR 2022

**AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT No.1 & 2.**

I, Navanath S. Awatade, aged about 52 years, occupation-service, the Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at Udyog Bhavan, Vishrambag, Sangli-416415. I am filing this affidavit on behalf of the Respondent No- 1 & 2 do hereby state on solemn affirmation as under.

I am working as the Sub Regional Officer, Sangli with the Maharashtra Pollution Control Board w.e.f. 19/07/2019. I am well conversant with the facts and circumstances of the case as well as the record of the case lying in my office, I am filing this Affidavit only with a limited purpose of bringing on record true facts of the case as under:-

I say that O.A No.55/2021 has been filed by one Mr. Tausif Bangikar before this Hon'ble Tribunal on 23/7/2021 and its sub-judice before the Hon'ble WZ Bench. In the said O.A as per the directions the Joint

Committee has filed Joint Committee Report dated 23/8/2021. I say that the said Joint Committee Report dated 23/8/2021 is annexed to the Appeal at Annexure "A-11". The Hon'ble NGT provided opportunity to the Appellant to file his response to said committee report vide order dated 24/8/2021. Appellant filed its Reply/Objections to the committee report on 20/10/2021. I say that on 21/10/2021, the Tribunal after going through the objections filed by the Appellant and also the Joint Committee report and site inspection report has observed that ' No steps have been taken to assess and recover the Environmental Compensation on account of the infractions pointed out in the said Report '.

I say that pursuant to order dated 21/10/2021, the Board has assessed the Environmental Compensation and also communicated the same to the Appellant vide notice dated 18/01/2022. I say that Appellant is yet to deposit the said Environmental Compensation with the Respondent Board. Hereto annexed and marked Annexure "A" is the notice dated 18/1/2022. I say that the O.A No. 55/2021 is still pending before Hon'ble WZ Bench and will come up for hearing as per the scheduled date .

I say that now I will deal with the Appeal para wise -

1. That the Appellant is an industrial small unit belonging to M/s Nix Polymers, which is a proprietary.....
- The industry has obtained Consent to Establish vide Consent No. MPCB/RO/KOP/SROS/KP-17285-15/477/15/10880. Dtd. 14-08-

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2015 for manufacturing of Fiber Glass Reinforced Plastic Products-100 MT/M. ( Without washing activity ) However during the visit of joint committee on 13-08-2021 the industry is engaged in manufacturing of unsaturated Polyester Resin which is unconsented along with Fiber Glass Reinforced Plastic Products.

2. That the Appellant had received Consent to Establish from Maharashtra Pollution Control Board having consent number MPCB/RO/KOP/SROS/KP-17285-15/477/12/10880, dtd. 14-08-2015..
  - Though the industry has obtained Consent to Establish vide above ref. No. MPCB/RO/KOP/SROS/KP-17285-15/477/12/10880, dtd. 14-08-2015, the consent is granted for a period upto commissioning of the unit or 5 years whichever is earlier, however Industry has started its operations from 26-05-2015 i.e. prior to validity of Consent to Establish granted on dated 14/8/2015 which is earlier. Hence the industry is in operation from 25-05-2015 without obtaining consent to operate from the Board. Hereto annexed and marked **Annexure "B"** is the copy of the Consent to Establish dated 14/08/2015.
3. That it is admitted that Plot No. L-57, MIDC, Kupwad, District Sangli belongs to M/s. Rajdhani Spinning Mill Pvt Ltd.....



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- Though the sub-letting permission is valid up to 15-02-2020 but at the time of inspection of joint committee on 23-08-2021 the industry is not having the further validation of sub-letting of the plot from Maharashtra Industrial Development Corporation Sangli.
4. That the Appellant states that, due to covid pandemic the unit of Appellant was entirely closed and also due to several medical issues of parent the Appellant failed to filed application for Renewal of Subletting from MIDC .....
- Even if the COVID Pandemic situation is fact, it is pertinent to note that the industry has started its operation and production activity from 25-05-2015 and it is the fact that industry has not applied for obtaining consent to operate from the Maharashtra Pollution Control Board till the date of inspection of joint committee carried on 23-08-2021.
5. ....
- I say that pursuant the complaint filed by Shri. Tousif Bagnikar, the Board officials have visited and investigated the complaint on dtd. 09-07-2021 and accordingly the non-compliance observed during the inspection and were brought to the notice of industry vide the office warning notice issued on dtd. 09-07-2021. However in spite of warning notice issued to industry, industry has not taken any cognizance of the same till the date of visit of joint committee. The



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Appellant has annexed the said warning notice dated 9/7/2021 at Annexure "A-3" to the Appeal. I say that in the said warning notice, sufficient time was granted by the Board to rectify the non-compliances pointed out in the said notice.

6. ....

- However it is obligatory on the industry to comply with the conditions of various Environmental enactments and the industry has failed to comply with the notices. The Appellant in its Reply/Objections to the Committee Report dated 20/10/2021 admitted the non-compliances stated in the committee report which were the reflection of the non-compliances mentioned in the said warning notice dated 09/07/2021 and also admitted to working on the same. According to the Appellant, resin is used as a raw material for the Production of Fiber Glass Reinforced Plastic Products, and Fiber Glass Reinforced Plastic Products including production of Resin. However industry has obtained consent to establish only for production of Fiber Glass Reinforced Plastic Products and not for production of unsaturated polyester resin.

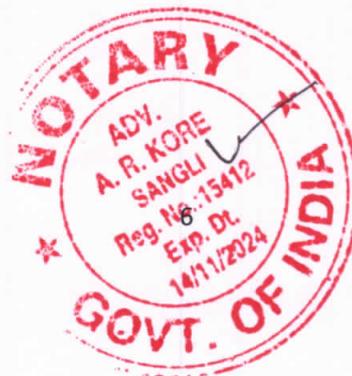
I say that though the trade effluent from the Appellant industry is NIL, the Appellant is manufacturing unsaturated polyester Resin by using Phthalic unhydride and Maleic unhydride since August 2015 without obtaining consent form the Board. It is

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the fact that the contaminated water is found stagnated in the drains/outlet of gutter in the factory premises because of the leakages and spill off of these unconsented products contribute to discharge of chemicals into the environment.

8. ....
  - It is the fact that the waste water is generated from the industry.
9. ....
  - It is a self-monitoring report of the industry.
10. ....
  - It is a self-monitoring report of the industry.
11. ....
  - It is the fact that the industry is generating waste water.
12. The Appellant states that, due to the Original Application filed against the Hon'ble NGT the MIDC Sangli was not accepting the renewal of subletting letter from the Appellant.....
  - It is related to Maharashtra Industrial Development Corporation.
13. The Appellant further states that, the Respondent No. 1 issued Closure Direction dated 27.09.2021 and the Appellant have followed the closure Direction and as .....
  - The fact is true.



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14. The Respondent No. 1 has issued closure direction against the Appellant, but the Appellant is not generating any sort of trade effluents from the process and there are only.....
- It is false, that the Board has issued warning notice and apart from that it is an obligatory part on industry to comply with conditions of consent to establish. However the industry has started their productions without obtaining consent to operate and Hon'ble National Green Tribunal has already directed to close down the unconsented industry, hence on the basis of the afore said non-compliances closure directions has been issued.
15. The Appellant applied for the application of consent to establish with Maharashtra Pollution Control Board on dated 06.10.2021 having UAN No. MPCB-CONSENT-0000123159,.....
- It is false, that the industry has again applied for consent to establish instead of consent to operate. As industry has started their production activity since 26-05-2015.
- The Renewal of sub-letting of plot is under of preview of Maharashtra Industrial Development Corporation.
16. As per the order dated 03.08.2021 passed by The Hon'ble National Green Tribunal (WZ) Pune, a committee has visited the unit of Appellant on dated 23.08.2021.....



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- I say that the Appellant industry is in operation without obtaining Consent to operate from the Board since the year 2015, also taking unconsented product like unsaturated polyester Resin and violating the conditions of Consent to Establish. I say that Hon'ble Tribunal may pass appropriate directions in the above matter.

Solemnly affirmed on 24th day March, 2022

Identified by

for and on behalf of Respondent No.1 & 2.

Adv. Amit Patil  
Sangli

*Awatade*  
(Navanath S. Awatade)  
Sub Regional Officer-Sangli.

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



24 MAR 2022

Noted & Registered  
at Serial Numbers 289/2022

Solemnly affirmed before me by  
Shri Navanath S. Awatade  
Who is identified before me by Shri Sangli  
Shri Amit M. Patil Adv. R. Sangli  
whom personally known.

*Kore*  
24/3/2022

ADV. A. R. KORE  
NOTARY REG. NO. 15412,  
GOVT. OF INDIA  
Kaveri Apt., Saraswatinagar,  
SANGLI - 416 416 (M.S.)



ANNEXURE-1A

**MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE, KOLHAPUR.**

Tel. No. (0231) 2652952,  
2660448  
Fax No. (0231) 2652952  
E-mail:  
rokolhapur@mpcb.gov.in



Udyog Bhavan,  
Near Collector Office,  
Kolhapur - 416 003.  
Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/NGT- 55/2021(WZ)/ EC/2201180001 Date: 18/01/2022.

To,  
**M/s. Nix Polymers.**  
Plot No. L-57 MIDC Kupwad  
Tal Miraj, Dist. Sangli.

Sub: Environmental Compensation as per NGT Order dated 03.12.2021.

Ref: 1. NGT Order Dated 03.12.2021 in the Original application No.  
55/2021(WZ)  
2. E Mail received from Law Officer, Maharashtra Pollution Control Board,  
Mumbai dated 05/01/2022.

Sir,

Order No. 55/2021 (WZ) has been passed by Honourable NGT dated 03.12.2021. In the last order passed, NGT has directed to levy Environmental Compensation & penalty to your unit. Environmental Compensation has been calculated by MPCB.

In view of the above you are directed to deposit the amount of **Rs. 1,51,56,250/-** to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and address : State Bank Of India. Kolhapur Treasury.  
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur  
Account Number : 11303165287  
IFSC Code : SBIN0007249

Failure on your part to comply with this Directions Board will take necessary steps for recovery of the said amount which please be noted.

This is issued with the approval of competent Authority.

(Ravindra Andhale)  
Regional Officer, MPCB Kolhapur.

Copy submitted to

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.

Copy for further follow up : Sub Regional Officer, MPCB, Sangli

# MAHARASHTRA POLLUTION CONTROL BOARD

## REGIONAL OFFICE, KOLHAPUR

Phone : 0231-2652952 /2660448

Fax : 0231-2652952

Email : rokolhapur@mpcb.gov.in



Udyog Bhawan Near Collector Office,

Kolhapur - 416003

Visit At : <http://mpcb.gov.in>

Red/S.S./66102286

Date: 14 / 08 /2015

Consent No: MPCB/RO/KOP/SROS/KP-17285-15/497 /15 /10880

Consent to Establish under Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 5 of the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules 2008

[To be referred as Water Act, Air Act and HW (M&H) Rules respectively].

.....  
 CONSENT is hereby granted to

M/s Nix Polymers  
 Plot No. L-57, MIDC Kupwad,  
 Tal.-Walwa, Dist.-Sangli.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of HW(M&H) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. The Consent to Established is granted for a period up to commissioning of the unit or 5 years which ever is earlier.

2. The Consent is valid for the manufacture of -

Sr. No.	Product Name	Maximum Quantity	UOM
1	Fiber Glass Reinforced Plastic Products	100	MT/M

(Without washing activity)

### 3. CONDITIONS UNDER WATER ACT:

- (i) The daily quantity of trade effluent from the factory shall not exceed Nil.  
 (ii) The daily quantity of sewage effluent from the factory shall not exceed 0.40M<sup>3</sup>.

(iii) Trade Effluent : N.A.

(iv) Trade Effluent Disposal: N.A.

(v) Sewage Effluent Treatment: The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

- |                       |               |     |       |
|-----------------------|---------------|-----|-------|
| (1) Suspended Solids  | Not to exceed | 100 | mg/l. |
| (2) BOD 3 days 27o C. | Not to exceed | 100 | mg/l. |

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vi) **Non-Hazardous Solid Wastes:**

Sr. No.	Type Of Waste	Quantity	UOM	Treatment	Disposal
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Nil

(viii) **Other Conditions:** Industry shall monitor effluent quality regularly.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

(i) Domestic	...	0.50 CMD
(ii) Industrial Processing	...	0.00 CMD
(iii) Industrial Cooling / Spraying	...	0.00 CMD
(iv) Agriculture / Gardening	...	0.00 CMD

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.

5. **CONDITIONS UNDER AIR ACT :**

(i) The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

**A) Control Equipment:**

Industry shall provide dust collector of sufficient capacity to control the emissions.

Standards for emission of Air Pollutants;

1.	SPM	Not to exceed 150 mg/Nm <sup>3</sup>
2.	SO <sub>2</sub>	Not to exceed -- Kg/D.

6. **Conditions for D.G. Set :N.A.**

(i) The applicant shall observe the following fuel pattern:-

Sr. No.	Type Of Fuel	Quantity	UOM
1	Wood	50	Kg/Day

(ii) The applicant shall erect the chimney(s) of the following specifications:- N.A.

Sr. No.	Chimney Attached To	Height in Mtrs.
1	Boiler	20
2	D.G. Set (64 KVA)	7

(iii) 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.
- (iv) 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.
- (vi) **Other Conditions:**
- 1) The industry shall not cause any nuisance in surrounding area.
  - 2) The industry shall monitor stack emissions and ambient air quality Regularly.

**7. CONDITIONS UNDER HAZARDOUS WASTE (MANAGEMENT, HANDLING & TRANSBOUNDARY MOVEMENT) RULES, 2008:**

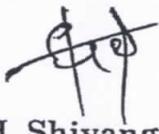
- (i) The Industry shall handle hazardous wastes as specified below. N.A.

Sr. No.	Type Of Waste	Quantity	UOM	Disposal
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The Industry shall not generate any type of hazardous waste

- (ii) Treatment: - NIL
1. The authorization is hereby granted to operate a facility for collection, storage, transport & disposal of hazardous waste.
  2. The industry shall comply with the Hazardous Waste (M&H) Rules, 2008.
- 8. Industry shall comply with following additional conditions:**
- i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
  - ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
  - iii. Solid waste – 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 to dumping ground.
  - iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant 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 & conditions of this consent regarding pollution levels.
  - v. The applicant shall not change or alter 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.
  - vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
  - vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
  - viii. 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 pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.

- ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
- x. The applicant shall install a separate electric 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.
- xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection System.
- xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
10. This Board reserves the right to review, amend, suspend, revoke etc. this consent and the same shall be binding on the industry.
11. This consent shall not be construed as exemption from obtaining necessary NOC/permission from any other Government agencies.
12. The Capital investment of the industry is Rs. 28.00 Lacs.

  
(N. H. Shivangi)  
Regional Officer, Kolhapur

To,  
M/s. Nix Polymers  
Plot No. L-57, MIDC Kupwad,  
Tal.-Walwa, Dist.-Sangli.

Copy submitted to:

1. The Member Secretary, MPC Board, Mumbai.
2. The Chief Accounts Officer, MPC Board, Mumbai.
3. The Sub Regional Officer, MPC Board, Sangli
4. Cess wing/Statistical wing/Air wing/Hazardous Management wing, MPC Board, Mumbai.

Received Consent fee of -

Sr. No.	Amount(Rs.)	DD. No.	Date	Drawn On
1	1600/-	003309	04/06/2015	ICICI Bank