

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

ORIGINAL APPLICATION NO.75/2017

Vijaysinh Dubbal & Ors

Applicants

Vs

Maharashtra Pollution Control Board & Ors

Respondents

NOTARIAL REG.

ENTRY NO. 1755

DATE: 06/11/2020

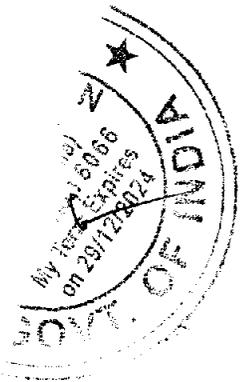
**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.1-
MAHARASHTRA POLLUTON CONTROL BOARD**

I, Ahok M. Kare aged about years, occupation -service, the Regional Officer of the Maharashtra Pollution Control Board at Nagpur having my office at Udyog Bhavan, 5th floor , Sales Tax Office, Civil Lines, Nagpur, do hereby state on solemn affirmation as under:

I am filing this affidavit on behalf of Respondent Nos 1 & 2 in compliance of the order dated 19/10/2020 passed by this Hon'ble Tribunal , as under:

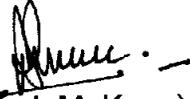
1. I say and submit that on the basis of complaint dated 2/08/2016 made by Shri Abhishek Sinha regarding contaminated water used to sell through cool water cans/ chilled water jar and packaged drinking water in Nagpur city etc., the Respondent Board at Nagpur had issued Show cause notices to 94 nos of units.
2. Thereafter, the Regional Officer of the Respondent Board at Nagpur had issued Proposed Directions vide letter dated 18/10/2016 alongwith opportunity of hearing to 91 nos of units (3 units are out of jurisdiction) located in Nagpur area.
3. The Respondent Board had given an opportunity of personal hearing vide letter dated 4/7/2017 to 88 nos of units out of 91 nos of units as 2 nos of units were repeated and 01 no of unit was having incorrect address.

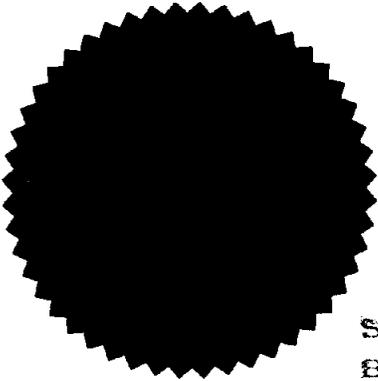
4. I say and submit that out of 88 nos. of units, 22 letters of personal hearing have been returned back as 'unserved' to the Regional Office, MPCB, Nagpur. Thereafter, the Respondent-Board had issued Closure directions to 66 nos. of mixed units like Chilled Water Jar/Can Plants, RO Units.
5. I say and submit that now the Respondent- Board has issued Standing order dtd.26/10/2020 to all the Regional Officers of the Respondent Board in the State of Maharashtra, to issue directions to all the local bodies to seal the units of cool water can, chilled water jar units (plants) doing water selling business falls under their jurisdiction immediately, which are operating without permission / NOC from the Central Ground Water Authority and Food & Drugs Administration as per their jurisdiction and ensure the same. A copy of the Standing Order dated 26/10/2020 is enclosed herewith and marked as an **Annexure-'I'**.
6. I say and submit that accordingly, the Regional Officer of the Respondent Board at Nagpur had issued directions to the Nagpur Municipal Corporation to seal the units immediately in Nagpur area, which are operating without permission / NOC from the Central Ground Water Authority and Food & Drugs Administration vide letter dated 27/10/2020. A copy of the directions dated 27/10/2020 is enclosed herewith and marked as an **Annexure-'II'**.



Place: Nagpur
Date : 06/11/2020

For & on behalf of Maharashtra
Pollution Control Board,


(Ashok M. Kare)
Regional Officer-Nagpur
Regional Officer,
M. P. C. Board, Nagpur



SWORN/SOLEMNLY AFFIRMED
BY, Ashok M. Kare

WHO IS PERSONALLY KNOWN
TO ME / IDENTIFIED BY self

BEFORE ME THIS THE 06th
DAY OF Nov 2020 AT NAGPUR

Punam

PUNAM P. MOON

NAGPUR (M.S.) INDIA

CANCELLED

CANCELLED

NOTARIAL

NOTARIAL

NOTARIAL

NOTARIAL

NOTARIAL

MAHARASHTRA POLLUTION CONTROL BOARD

Tel: 24010437/24020781/24014701
 Fax: 24024068 / 24023516
 E-mail: jdwater@mpcb.gov.in
 Website: www.mpcb.gov.in



Kalpataru Point, 2nd-4th Floor
 Opp. Cine Planet Cinema,
 Near Sion Circle, Sion (East)
 Mumbai- 400 022.

No. MPCB/JD(Water)/B-201026-FTS-0182

Date: 26/10/2020

Standing Order

To
 The Regional Officer,
 Maharashtra Pollution Control Board,
 Mumbai/Navi Mumbai/Thane/Kalyan/Pune/Raigad/Nashik/
 Aurangabad/Amravati/Kolhapur/Nagpur/Chandrapur.

Sub: -Compliance of Order dated 19/10/2020 passed by Hon'ble National Green Tribunal in Original Application No.75/2017(WZ) filed by Vijaysinh Dubbal & Ors. v/s MPCB & Ors.

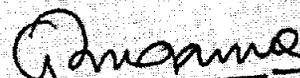
Ref: -Directions issued by you to the Local Bodies on 07/10/2020 in compliance of Hon'ble NGT Order dtd.19/06/2020 in the Original Application No.75/2017.

Vijaysinh Dubbal & Ors. have filed an Application bearing No.75/2017(WZ) against MPCB & Ors. before the Hon'ble NGT, WZ, Pune, regarding manufacturing plants / units of Chilled Drinking Water Jars/Cans without obtaining 'Consent to Operate' and selling of such unpackaged and unsealed Chilled Water Jars/Cans, which are not potable and thus hazardous to health of human beings.

Earlier in compliance of the Hon'ble NGT order dated 19/06/2020, you have issued directions to all the Local Bodies as per your jurisdiction to identify the illegal activities of cool water can, chilled water jar units (plants) doing water selling business falls under their jurisdiction.

Now, the Hon'ble NGT vide Order dtd.19/10/2020 directed that all the units which have no authority from the Central Ground Water Authority and NOC from the Competent Authority, must be sealed immediately.

In compliance of Hon'ble NGT Order dtd.19/10/2020, you are hereby directed to issue directions to all Local Bodies to seal the units immediately, which are operating without permission/NOC from the Central Ground Water Authority and Food & Drugs Administration, as per your jurisdiction and ensure the same.


 (Ashok Shingare, IAS)
 Member Secretary

Copy to: Joint Director(WPC)/Law Officer(P&L Divn.I), MPCB – for information and necessary follow up.

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE NAGPUR

Website : mpcb.gov.in.
 e-mail : ronagpur@mpcb.gov.in
 Fax : 2560851
 Phone : 2565308, 2560139



Regional Office,
 5th Floor, Udyog Bhawan,
 Civil lines,
 Nagpur - 440001.

No. MPC/NRO/710/2020

dtd:- 27/10/2020.

To,
 The Municipal Commissioner,
 Nagpur Municipal Corporation,
 Civil Lines, Nagpur.

Sub: - Compliance of Order dtd 19/10/2020 passed by Hon'ble National Green Tribunal in Original Application No. 75/2017 (WZ) filed by Vijaysinh Dubbal & Ors. v/s MPCB & Ors.

- Ref:-
1. Directions u/s 33A of Water (Prevention & Control of Pollution) Act, 1974 issued to your Urban Local Body vide letter no MPC/NRO/Dir-84/611/2020 dtd 09/10/2020.
 2. Hon'ble Member Secretary, MPCB letter vide no MPCB/JD(Water)/B-201026-FTS-0182 dtd 26/10/2020.

Vide letter under ref. no.1 this office has issued directions u/s 33A of Water (Prevention & Control of Pollution) Act, 1974 issued to your Urban Local Body to identify illegal activities of Cool Water Can, Chilled Water Jar Units (Plant) doing water selling business under your jurisdiction and to take appropriate action against such illegal units.

Now, the Hon'ble NGT vide Order dtd 19/10/2020 directed that all the units which have no authority from the Central Ground Water Authority (CGWA) and NOC from the Competent Authority, must be sealed immediately.

..2..

(2)

In compliance of Hon'ble NGT Order dtd 19/10/2020, you are hereby directed to seal the Cool Water Can, Chilled Water Jar Units (Plant) units immediately, which are operating without permission / NOC from the Central Ground Water Authority (CGWA) and Food & Drugs Administration, under your jurisdiction and ensure the same and submit action taken report to this office for onward submission to Hon'ble NGT.



(A.M. Kare).

Regional Officer,

M.P.C. Board, Nagpur

Copy to:-

1. The Hon'ble District Collector, Civil Lines, Nagpur.
2. The Regional Director of Municipal Administration, Municipal Council Administration Dept., Divisional Commissioner Office, Nagpur.
3. Sub-Regional Officer, M.P.C. Board, Nagpur-I - for follow up.