

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 146 OF 2024

IN THE MATTER OF:

BABASAHEB MAHADEV PATIL

...APPLICANT

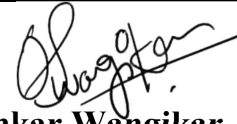
Versus

**SHIKSHAN MAHARSHI DNYANDEO
MOHEKAR AGRO INDUSTRIES LTD.
& OTHERS**

...RESPONDENTS

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Omkar Wangikar
Advocate for the Applicant

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AFFIDAVIT ON BEHALF OF THE APPLICANT

I, Babasaheb Mahadev Patil, age 60 years, residing at Flat No. 2, Janvhi Apartment, Opposite to Girija Ganesh Temple, Chinchwad, Pune the Applicant herein, do hereby solemnly affirm and declare as under :-

1. I am the Applicant in the present Original Application and as such, I am well acquainted with the facts and circumstances of the case and therefore, competent to swear this Affidavit.
2. That after filing of the present OA, the Respondent No. 3 issued the Closure Direction dated 18.11.2024 to the Respondent No. 1. The Applicant states that, the Respondent No. 1 failed to comply the various non-compliances stated in the Proposed Direction dated 26.01.2024. Further Respondent No. 1 failed to submit the reply to the said Proposed Direction. Thereafter, the officer's of the Respondent No. 3 conducted the visit on dated 11.07.2024 and

reported continued non-compliances, hence the Respondent No. 3 issued the Closure Direction u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and amendments thereafter. Copy of Closure Direction dated 18.11.2024 issued by the Respondent No. 3 to the Respondent No. 1 is annexed herewith as **ANNEXURE A-1**.

3. The Applicant states that, even after the issuance of the Closure Direction, the facility operated by Respondent No. 1 remains open and continues its operations. According to the shift report dated 24.11.2024, provided by Respondent No. 1, it is explicitly noted that 90.981 tons of sugar cane have been delivered by farmers via various wagons. Therefore, it is evident that, in defiance of the closure directive, the unit of Respondent No. 1 is operating unlawfully. Copy of shift report dated 24.11.2024 issued by the Respondent No. 1 is annexed herewith as **ANNEXURE A-2**.

4. The Applicant states that, the sugar cane weight slip from Respondent No. 1 dated 07.12.2024 shows acceptance of 5.554 tons of sugar cane, indicating that their unit is still operational, which contradicts the Closure Directions as their electricity remains connected, demonstrating clear contempt for those Closure Direction. Copy of sugar cane weight slip dated 07.12.2024 issued by the Respondent No. 1 is annexed herewith as **ANNEXURE A-3**.

- 5. The Applicant states that, the Applicant attached the various recent photographs of the unit of Respondent No.1, which shows the unit of Respondent No. 1 is still functioning and operating. Copies of photographs of the Respondent No. 1 showing that it is running and operating is annexed herewith as ANNEXURE A-4.
- 6. I say and submit that the aforesaid affidavit is necessitated so that the present Original Applicant may be adjudicated upon by the Hon'ble Tribunal on merits.

VERIFICATION

I, the above named deponent do hereby verify that the contents of Para 1 to 6 the above affidavit are true to my knowledge. Hence signed and verified at Sangli on this 09.12.2024



Signature of Advocate



Deponent

Noted Register
Serial Number... 4004/2024

BEFORE ME



ADV. S. M. Chougule
Notary Government of India
Miraj. Dist. Sangli. Reg.No.9135

9 DEC 2024



MAHARASHTRA POLLUTION CONTROL BOARD

Tel.No. (0240) 29930004

Visit us at www.mpcb.gov.in
E-mail: raurangabad@mpcb.gov.in

"Your Service is our Duty"

Regional Office, Paryavaran
Bhavan, A-4/1, MIDC Area,
Chikalthana, Behind Daynik
Lokpatra, Near Seth Nandlal
Dhoot Hospital, Jalna Road,
Chhatrapati Shambhajnagar
-431 210.

No.MPCB/CD/2411180002

Date: 18/11/2024.

To,

M/S. Shikshan Maharashi Dnyandeo Mohekar Agro Industries Ltd.
Gut No. 623,647, a/p. Moha,
Tq. Kallam Dist. OsmanabadSub: - Closure Directions u/s 33A of the Water (Prevention & Control of Pollution)
Act, 1974 and/or u/s 31A of the Air (Prevention & Control of Pollution) Act, 1981.

- Ref:-
1. Consent granted by the MPC Board ORANGE/LSI/UAN.No.0000082550 vide No. RO Aurangabad CONSENT-1911001290 on 28.11.2019, Valid Upto 31.10.2029.
 2. Complaint of air pollution received from Shri. Babasaheb Mahadev Patil, Chawa Maratha Yuva Mahasangh dated 21.12.2023.
 3. Proposal for legal Action submitted by SRO Latur Dtd. 25.01.2024
 4. Proposed Direction issued vide No. MPCB/PD/2401260001, dated 26.01.2024.
 5. Visit of Board officials to your unit dated 11.07.2024.
 6. Approval for issuance of Closure Order from HQ dtd 13/11/2024

.....

WHEREAS, it is obligatory on your part to obtain Consent to Establish and Consent to Operate from the Maharashtra Pollution Control Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 & Authorization under the provisions of the Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016. It is also obligatory on your part to provide adequate pollution control devices.

AND WHEREAS, it was also obligatory on your part to provide adequate and efficient pollution control devices and take adequate measures to control air and water pollution, so as to achieve the consented standards.

AND WHEREAS, the Board has received a complaint regarding air pollution from Shri. Babasaheb Mahadev Patil, Chawa Maratha Yuva Mahasangh dated 21.12.2023.

AND WHEREAS, The Board Officials of the Board at Latur have visited your unit on 17/01/2024 and observed following non compliances:

1. You have provided inadequate effluent treatment plant.
2. You have not provided dedicated closed pipeline system for transfer of effluent from source to effluent treatment plant.

3. You have not provided treated effluent holding tank of adequate capacity for storage of treated effluent.
4. You have not submitted design details /adequacy report of air pollution control system provided.
5. You have installed machinery for expansion of industry without obtaining Consent to establish for expansion from MPC Board.


AND WHEREAS, the Maharashtra Pollution Control Board had issued Proposed Direction vide letter dated 26.01.2024 to you & directed to :-

1. Why your consent shall not be refused / revoked ?
2. Why your industrial activity shall not be close down ?
3. Why the competent authorities shall not be directed to disconnect water / electricity supply to your unit ?

AND WHEREAS, in response to the proposed directions, you have failed to submit reply to the proposed directions within stipulated time the Board officials visited to your industry on 11/07/2024 and reported continued non-compliances. The effluent is being disposed on land of farmers without any agreement of disposal with the industry.

NOW THEREFORE, in view of the above non-compliances, you are hereby directed to stop your manufacturing activities forthwith, failing which, the Board will have no option than to initiate appropriate legal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

This is issued with the approval of competent authority.

 18.11.2024

(Manish Holkar)
Regional Officer-
Chhatrapati Sambhaji Nagar

Copy submitted for information to: The Member Secretary, MPCB, Mumbai

Copy f.w. cs.to: -

1. The Principal Scientific Officer. MPCB HQ, sion, Mumbai
2. Law Officer (P & L Division), MPCB, Mumbai
3. The Executive Engineer, Maharashtra State Electricity Distribution Co. Ltd. Kallam, -

He is directed to

disconnect electricity supply to the aforesaid unit forthwith & inform this office accordingly.

Copy to: The Sub Regional Officer Latur, MPCB- - He is directed to take follow up and ensure the compliance of the aforesaid directions. He is directed to ensure that these Directions to be served to the industry and competent authorities & submit the compliance verification report.

शिक्षण महर्षी ज्ञानदेव मोहेकर अँगो इंडस्ट्रीज लि.

गट क्र. ६२३ व ६४७, अंट पोस्ट मोहा, तालुका कळंब, जिल्हा उस्मानाबाद - ४१३ ५०७

गळिताचा दिवस : १

शिफ्ट रिपोर्ट

गाळप हंगाम : २०२४-२५

दिनांक : २४-११-२०२४

शिफ्ट : शिफ्ट २

मे.

चे.अ.व.म.न.

साहेब आज खालील प्रमाणे ऊस आवक झालेली आहे.

शिफ्ट	ट्रक		ट्रॅक्टर		बैलगाडी		मिनी-ट्रॅक्टर		एकुण	
	स्लिप	टनेज	स्लिप	टनेज	स्लिप	टनेज	स्लिप	टनेज	स्लिप	टनेज
०४-१२	०	०.०००	०	०.०००	०	०.०००	०	०.०००	०	०.०००
१२-०८	०	०.०००	६	९०.९८९	०	०.०००	०	०.०००	६	९०.९८९
आज	०	०.०००	६	९०.९८९	०	०.०००	०	०.०००	६	९०.९८९
मागिल	०	०.०००	०	०.०००	०	०.०००	०	०.०००	०	०.०००
एकुण	०	०.०००	६	९०.९८९	०	०.०००	०	०.०००	६	९०.९८९

गाळप सुरुवात दिनांक : २४-११-२०२४ शेवटची गाळप दिनांक : २४-११-२०२४

यार्ड पोझिशन	ट्रक	ट्रॅक्टर	बैलगाडी	मिनी-ट्रॅक्टर	एकुण
संख्या	०	०	०	०	०
मंदाजे टनेज	०.०००	०.०००	०.०००	०.०००	०.०००
वाहन खेप					

Abheet
केनयार्ड सुपरवायझर

ENGLISH TRANSLATION

SHIKSHAN MAHARSHI MOHEKAR AGROW INDUSTRIES LTD.

GAT NO.623 & 647, At Post Moha, Taluka Kalamb, District Osmanabaad. 413507

Crushing Day : 1
Date : 24-11-2024

SHIFT REPORT

Crushing Season : 2024-25
Shift : Shift - 2

To, Chairman

sugarcane has arrived today as follows:-

Shift	Truck		Tractor		Bullock Cart		Mini Tractor		Total	
	Slip	Tone	Slip	Tone	Slip	Tone	Slip	Tone	Slip	Tone
04-12	0	0.000	0	0.000	0	0.000	0	0.000	0	0.000
12-8	0	0.000	6	90.981	0	0.000	0	0.000	6	90.981
Today	0	0.000	6	90.981	0	0.000	0	0.000	6	90.981
Earlier	0	0.000	0	0.000	0	0.000	0	0.000	0	0.000
Total	0	0.000	6	90.981	0	0.000	0	0.000	6	90.981

Crushing Start Date: 24-11-2024

Last Crushing Date: 24-11-2024

Yard Position	Truck	Tractor	Bullock Cart	Mini Tractor	Total
Number	0	0	0	0	0
Approx. Tone	0.000	0.000	0.000	0.000	0.000
Vehicle consignment					

Sd/-

Cane Yard Supervisor

ऊस उत्पादक प्रत

शिक्षण महर्षी ज्ञानदेव मोहेकर अँगो इंडस्ट्रीज लि.		शिक्षण महर्षी ज्ञानदेव मोहेकर अँगो इंडस्ट्रीज	
गट क्र. ६२३ व ६४७, अंट पोस्ट मोहा, तालुका कळंब, जिल्हा उस्मानाबाद - ४१३ ५०७		डिझेल पावती	
ऊस वजन स्लिप		स्लिप नंबर ४४८	
स्लिप नंबर : ४४८	स्लिप दिनांक : ०७-१२-२०२४	शिफ्ट : शिफ्ट १	गाळप हंगाम : २०२४-२५
कारखाना : शिक्षण महर्षी ज्ञानदेव मोहेकर अँगो इंडस्ट्रीज लि.	विभाग : कारखाना कार्यक्षेत्र	गट : हसेगांव (केज)	स्लिप दिनांक ०७-१२-२४
शिवार : हासेगांव (केज)	ऊस उत्पादक : ००२९३७ - कुलकर्णी संजीवन नागेश	गावाचे नाव : हासेगांव (केज)	वाहतुक ठेकेदार : ००९८२१ - पवार रमेश
ऊसाची जात : ८६०३२	तोट प्रकार : मिनी ट्रॅक्टर	आज अखेर टनेज (मे.टन.) : ३१.८९७	आप्पाराव
तोटणी ठेकेदार : ००९८२१ - पवार रमेश आप्पाराव	वाहतुक ठेकेदार : ००९८२१ - पवार रमेश आप्पाराव	पिक प्रकार : खोडवा	वाहन क्रमांक : ०७८४ मिनी ट्रॅक्टर
वाहन क्रमांक : ०००७८४ - MH25AW5040	रोप : संपूर्ण	आज अखेर टनेज (मे.टन.) : ३१.८९७	MH25AW5040
मार्ग : मार्ग १	स्लिप बॉय : KULKARNI S.P.	आज अखेर टनेज (मे.टन.) : ३१.८९७	शिवार : हासेगांव (केज)
ऊसासह गाडीचे वजन (मे. टन.) : ९.५२०	भर वजन दिनांक : ०५-१२-२०२४	आज अखेर टनेज (मे.टन.) : ३१.८९७	मार्ग : मार्ग १
रिकाम्या गाडीचे वजन (मे. टन.) : ३.९२०	रिकामे वजन दिनांक : ०७-१२-२०२४	ट्रॉली : एक	अंतर (कि.मी.) २५
ऊसाचे वजन (मे. टन.) : ५.६००	काटा ऑपरेटर : Waghmare R. P.	अंतर (कि.मी.) : २५	डिझेल (लि.) १७
बांधणी वजन (मे. टन.) : ०.०५६	सही : <i>Waghmare</i>	डिझेल (लि.) : १७	काटा ऑपरेटर : Waghmare R. P.
ऊसाचे निव्वळ वजन (मे. टन.) : ५.५४४			सही : <i>Waghmare</i>

ENGLISH TRANSLATION

SHIKSHAN MAHARSHI MOHEKAR AGROW INDUSTRIES Ltd.		Shikshan Maharshi Danyanadev
GAT NO.623 & 647, At Post Moha, Taluka Kalam, District Osmanabad. 413507		Mohekar Agrow Industries
Sugarcane Weight Slip		
Slip Number: 448	Slip Date: 07.12.2024	Shift: Shift 1 Galap Hangaam: 2024-25
Factory :	Shikshan Maharshi Danyanadev Mohekar Agrow Industries	
Department :	Factory Area	Gat No.: Hasegaon (Kej)
Location :	Hasegaon (Kej)	Village: Hasegaon (Kej)
Farmers :	002937- Kulkarni Sanjiwan Naagesh	
Sugarcane Type :	86032	Type: Khodawa Quality: Good
Cutting Type :	Mini Tractor	
Cutting Contractor :	Pawar Ramesh Aapparao	
Transport Contractor:	Pawar Ramesh Aapparao	
Wagon Number :	000784- MN25AW5040	
Crop :	Total	One
Route :	Route 1	25
Slip Boy :	KULKARNI S.P.	
Wt. of wagon including Sugarcane(M.T.): 9.520	Date Of Weight: 05.12.2024	Time:04:03:05
Wt. Of Empty Wagon (M.T.): 3.920	Empty Wt. Date: 07.12.2024	Time:10:39:19
Wt. of Sugarcane (M.T.): 5.600	Weight Operator: Waghmare R.P.	Waghmare R.P.
Binding Weight (M.T.): 0.056		
Gross Wt. of Sugarcane (M.T.): 5.544	Signature:	Signature:

