

BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN  
ZONE BENCH, PUNE.

O. A. NO.18 OF 2021

Mr. Sanjay Bhimashankar Thobde

...Applicant

Versus

The Chairman and Directors, Shree Siddheshwar Sahakari

Sakhar Karkhana Ltd. And

Ors

... Respondents

**Affidavit**

I the Applicant Sanjay Bhimashankar Thobde, Age 62 years, Residing at 701, North Kasaba, Solapur – 413002, most respectfully submit this affidavit on oath to narrate the urgency of taking the matter early for the hearing on 19/01/2023 as follows-

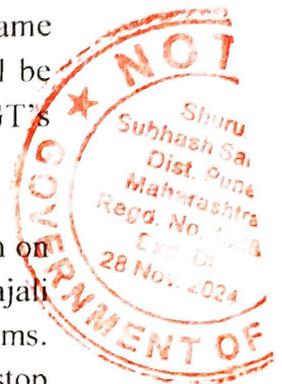
1. That I have filed the O.A. No. 18 of 2021 before the NGT on 03/02/2021 and since then the case is pending and additional issues pertaining to case cropped up now because the R-1 is doing crushing of about 9000 TCD which is vitally illegal. The R-1 is having permission of crushing 5000 tons per day only.
2. I wish to mention that the Hon'ble Supreme Court in the Civil Appeal no. 9222 of 2023, has given the R-1 liberty to crush @ 5000 TCD. The Hon'ble Supreme Court's order reads as- "*In the meanwhile, we are inclined to partly stay the operation of the impugned order, that is, the direction given in paragraph 30 restraining the appellant from crushing of cane till the time environment clearance is granted, subject to the condition that the appellant will not exceed crushing @ 5000 TCD (Tons of Cane per Day). We have passed this order as the appellants have*



*relied upon Serial No. 5(j) of the schedule to the notification S.O. 1533 (E) dated 14.09.2006 of the Ministry of Environment and Forests. We give liberty to the respondents to apply for modification of this interim order, if required. Proceedings before the National Green Tribunal, Western Zone Bench, Pune, shall continue uninfluenced by pendency of the present appeal."*

**The copy of the said order passed by the Hon'ble Supreme Court is annexed with this affidavit as Annexure- F.**

3. I must mention that the Hon'ble NGT had opined the same previously saying that no permission for any crushing will be given and the Hon'ble High Court has also uphold the NGT's Orders and findings.
4. Through this Affidavit the Applicant also wishes to mention on oath that now a new problem has cropped up, which is a Kajali (fly ash) of the sugar factory is spreading over an area of 10 Kms. For which several people have signed letters demanding to stop it. The said Kajali (fly ash) is life threatening for the Children in the vicinity and it is health hazard for everyone.
5. I wish to pray on the affidavit that the factory administration is required to be ordered, to stop utilizing the illegally expanded boiler of 200 TPH and 92 meters stack immediately and instead keep on their crushing, with the old machinery, as they have crushed more than 5000 TCD in 2005-2006 season before expansion.
6. In 254th meeting of SEIAA dated 27th November 2022, on page no. 305, the sugar factory's representative has clearly admitted that, they are having 6 boilers in operational condition that means they need to stick to those 5 boilers only.
7. I am consistently, year after year suggesting the sugar factory's administration that the 200 TPH boiler and 92 meters stack being illegal can be ordered, to stop its operation. Hence keeping the



old machinery working and in functional condition will not hamper the production.

8. I wish to mention that if the above valid points may be considered and made applicable the Hon'ble NGT can reach to the solution to resolve the issues hence I am filing this affidavit.

*Thobde*  
Pune

*Thobde*  
Applicant

Date: 11/01/2023

(Sanjay Bhimashankar Thobde)



**BEFORE ME**

*Shrutli Subhash Sankpal*  
**Shrutli Subhash Sankpal**  
**ADVOCATE & NOTARY**  
**GOVERNMENT OF INDIA**

12 JAN 2023



ITEM NO.32

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 9222/2022

THE CHAIRMAN AND DIRECTORS OF SHREE  
SIDDHESHWAR SAHAKARI SAKHAR KARKHANA LTD.

Appellant(s)

VERSUS

SANJAY BHIMASHANKAR THOBDE &amp; ORS.

Respondent(s)

(AS PER COURT MENTIONING DATED 15.12.2022 LIST ON 03.01.2023  
IA No. 198814/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENTIA No. 198902/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 198813/2022 - STAY APPLICATION)

Date : 03-01-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE M.M. SUNDRESHFor Appellant(s) Mr. Mukul Rohatgi, Sr. Adv.  
✓ Mr. Dhruv Mehta, Sr. Adv.  
✓ Mr. Satyajit A. Desai, Adv.  
✓ Mr. Sudeep Dey, Adv.  
✓ Mr. Siddharth Gautam, Adv.  
Mr. Abhinav Muktyalwar, Adv.  
Mr. Gajanan N. Tirathkar, Adv.  
✓ Ms. Anagha S. Desai, AORFor Respondent(s) Mr. K. V. Vishwanathan, Sr. Adv.  
Mr. Shashwat Goel, AORUPON hearing the counsel the Court made the following  
O R D E R

Issue notice, returnable in the month of April, 2023.

Validity unknown

Digitally signed by  
Deepak Singh  
Date: 2023.01.06  
17:11:28 +05'30  
Reason:Notices would be given dasti as well and can be served by  
all modes.

In the meanwhile, we are inclined to partly stay the operation of the impugned order, that is, the direction given in paragraph 30 restraining the appellant from crushing of cane till the time environment clearance is granted, subject to the condition that the appellant will not exceed crushing @ 5000 TCD (Tons of Cane per Day). We have passed this order as the appellants have relied upon Serial No. 5(j) of the schedule to the notification S.O. 1533 (E) dated 14.09.2006 of the Ministry of Environment and Forests.

We give liberty to the respondents to apply for modification of this interim order, if required.

Proceedings before the National Green Tribunal, Western Zone Bench, Pune, shall continue uninfluenced by pendency of the present appeal.

(DEEPAK JOSHI)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)

J.C.