

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

ORIGINAL APPLICATION NO. 160 OF 2023

IN THE MATTER OF:

**SONAPPA BHIMRAO SONTAKKE**

**... APPLICANT**

**VERSUS**

**MAHARASHTRA POLLUTION CONTROL  
BOARD & ORS.**

**... RESPONDENTS**


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**Omkar Wangikar**

Advocate for the Applicant

  
Noted Register  
Serial Number... 2861/2024

31 AUG 2024

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

ORIGINAL APPLICATION NO. 160 OF 2023

IN THE MATTER OF:

**SONAPPA BHIMRAO SONTAKKE** ... APPLICANT

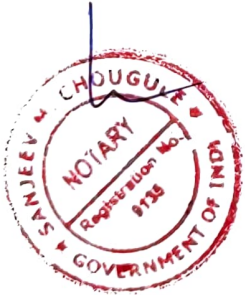
**VERSUS**

**MAHARASHTRA POLLUTION CONTROL BOARD & ORS.** ... RESPONDENTS

**AFFIDAVIT ON BEHALF OF THE APPLICANT**

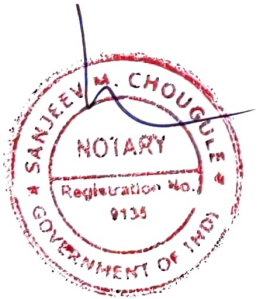
I, Mr. Sonappa Bhimrao Sontakke, aged adult, Occ: Agricultural, residing at Takli Sikandar, Taluka Mohol, District Solapur, Maharashtra the Applicant herein, do hereby solemnly affirm and declare as under :

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. The Applicant had made a complaint against Respondent No. 2 i.e. Bhima Sahakari Sakhar Karkhana Ltd. (Bhima SSK), related to the agricultural field of the Applicant situated at Gut No.180/4, Takli Sikandar, Taluka Mohol, District Solapur which is located at a distance of 700 feet away from the said factory of the Respondent No. 2 was polluted due to water emanating out of the said factory,



which has caused damage to the crop yield of the Applicant. Further the Hon'ble Tribunal had called the report from the Respondent No. 1 i.e. Member Secretary, Maharashtra Pollution Control Board, which has been submitted before the Hon'ble Tribunal. As per the said report the various non-compliances of the Respondent No.2 were observed hence with respect to truthfulness of the complaint regarding loss of crop and milk production capacity of cattle, a request was made to the Taluka Agriculture Officer, Mohol, District Solapur and the Deputy Commissioner, District Animal Husbandry, Solapur on 22.09.2023, but the replies are still awaited.

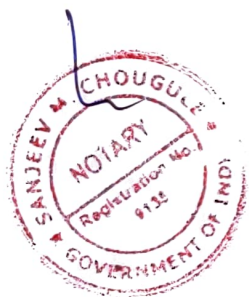
3. Further the Respondent No. 1 has submitted his reply affidavit on dated 10.05.2024 but wherein various facts and documents are not submitted before the Hon'ble Tribunal by the Sub-Regional Officer of Maharashtra Pollution Control Board, Solapur.
4. That this Affidavit is being filed by the Applicant to highlight the various facts and the documents. The Applicant states that, renewal of consent for of 5000 TCD sugar unit and 25 MW Co-generation factory of the Respondent No. 2 was granted upto 31.07.2022 but as per the reply affidavit submitted by the Respondent No. 1 it is clearly stated that the unit of Respondent No. 2 has stopped his crushing activity on 19.02.2024, which shows that the Respondent No. 2 was running and operating his unit illegally and without the permission from the MPCB further failed to comply various non-compliances.



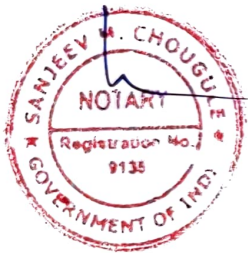
5. The Applicant states that, based on the various complaints and non-compliances the Respondent No. 1 has issued the Proposed Direction to the Respondent No. 2 on dated 21.02.2023. That the Respondent No. 1 has visited the industry of Respondent No. 2 to verify the compliance of the consent conditions on dated 31.12.2022 and accordingly following non-compliances were observed :

- a. Respondent No. 2 is not operated effluent treatment plant with full - fledged capacity.
- b. Leakages were noticed to the anaerobic lagoon and untreated effluent from lagoon and spray pond was finding its way outside the factory premises and some effluent is stagnant at nearby effluent treatment plant.
- c. Respondent No. 2 have failed to provide effluent treatment plant with adequate capacity to treat the entire industrial effluent and to achieve the consented effluent standards.
- d. Respondent No. 2 have not provided CPU to recycle the treated effluent as per the consent conditions.
- e. Respondent No. 2 have used untreated effluent for irrigation, which is overflowed from the spray pond.
- f. Respondent No. 2 have not provided adequate air pollution control system as the blackish smoke emissions were observed from the Boiler Stack.
- g. The Operation and Maintenance of the ESP is poor.

Copy of Proposed Direction issued by the Respondent No. 1 to the Respondent No. 2 on dated 21.02.2023 is annexed herewith as **ANNEXURE A-1.**

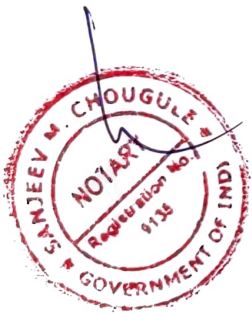


6. The Applicant states that, in the said Proposed Direction dated 21.02.2023 it is categorically mentioned that, the Respondent No. 1 has issued warning notice dated 11.08.2023 for various non-compliances however the Respondent No. 2 failed to complied with the said warning notice.
7. The Applicant states that again based on the various non-compliances the Respondent No. 1 has issued the Proposed Direction to the Respondent No. 2 on dated 17.10.2023. That the Respondent No. 1 has visited the industry of Respondent No. 2 to verify the compliance of the consent conditions on dated 10.08.2023 and accordingly following non-compliances were observed :
- a. Respondent No. 2 have not obtained Renewal of Consent to Operate for valid period.
  - b. The leakages found from the equalization tank of the Effluent Treatment Plant and the leaked effluent was accumulated around nearby area.
  - c. Respondent No. 2 have not provided CPU to recycle the treated effluent as per the conditions prescribed in consent Schedule – 1 1) B].
  - d. Respondent No. 2 have not provided adequate air pollution control system / scrubber to standby Boiler of capacity 30, TPH, 20 TPH & 20 TPH.
  - e. Respondent No. 2 have not submitted the Bank Guarantee of Rs. 25 Lakh towards compliance of the consent conditions and O & M of the pollution control systems as per condition prescribed in earlier consent to operate.



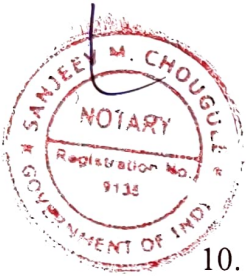
Copy of Proposed Direction issued by the Respondent No. 1 to the Respondent No. 2 on dated 17.10.2023 is annexed herewith as **ANNEXURE A-2.**

8. The Applicant states that, in the said Proposed Direction dated 17.10.2023 it is categorically mentioned that, it was observed from the analysis report of JVS collected by the MPCB on 03/01/2023 from ETP (Outlet) the parameters BOD - 109.1 mg/lit, COD-283 mg /lit, TDS-2234 mg/lit respectively are exceeding than the prescribed effluent standards i.e. BOD - 100mg/lit, COD - 250 mg / lit , TDS - 2100 mg /lit.
9. The Applicant states that, despite of warning notice and Proposed Directions issued by the Respondent No. 1 to the Respondent No. 2 failed to comply the various non-compliances, hence the Respondent No. 1 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 on dated 12.04.2024, wherein following non-compliances were observed :
  - a. Respondent No. 2 have You have not provided the ETP with adequate capacity to treat the entire effluent load.
  - b. Respondent No. 2 have partially treating effluent stream and remaining effluent bypassed the ETP system.



- c. The probe of online meter not found dipped inside the treated effluent water.
- d. Respondent No. 2 have not provided water circulation pump at online system probe.
- e. The Blackish smoke observed through chimney.
- f. Respondent No. 2 have not submitted bank guarantee of Rs. 25 lakh as per existing consent condition.
- g. Respondent No. 2 have not provided CPU system.

Copy of Closure Direction dated 12.04.2024 issued by the Respondent No. 1 to the Respondent No. 2 is annexed herewith as **ANNEXURE A-3.**



10. 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 10 the above affidavit are true to my knowledge. Hence signed and verified at Sangli on this 31.08.2024

*[Signature]*

Signature of Advocate

*[Signature]*

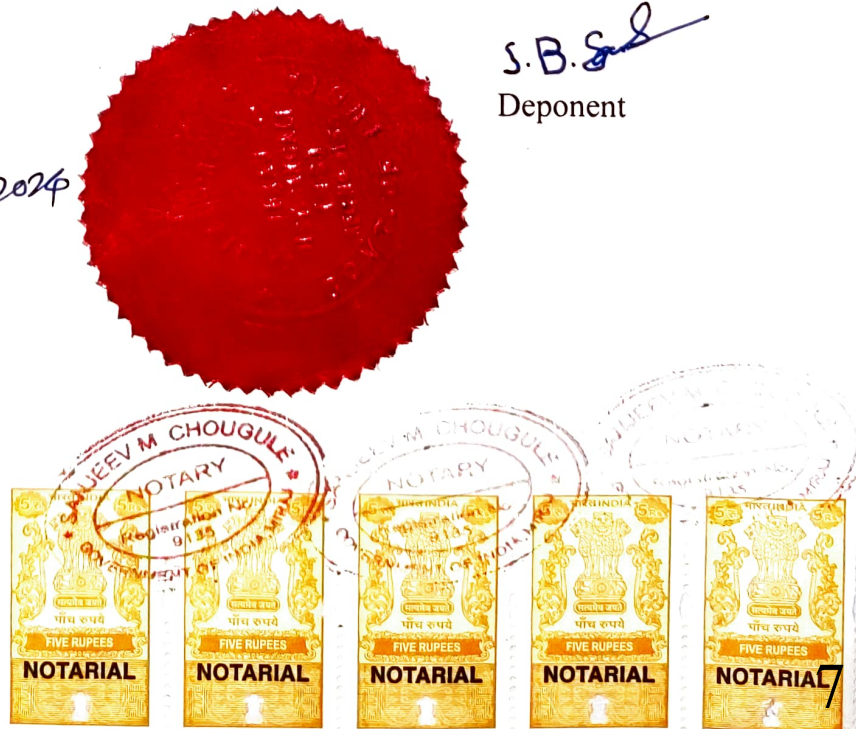
Deponent

Notary register  
Serial Number... 2861/2024

Solemnly affirmed  
**BEFORE ME**

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

31 AUG 2024



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**MAHARASHTRA POLLUTION CONTROL BOARD**  
**REGIONAL OFFICE - PUNE**

Phone No. 020-25811694  
Fax No. 020-25811701  
e-mail : [ropune@mpcb.gov.in](mailto:ropune@mpcb.gov.in)  
visit us : [www.mpcb.gov.in](http://www.mpcb.gov.in)



"Your Service is our Duty"

Jog Centre, 3<sup>rd</sup> Floor,  
Wakdewadi,  
Old-Pune Mumbai Road,  
Pune- 411003

MPCB/ROP/PD/ 2302210010

Date: 21/02/2023

To,  
M/s. Bhima SSK Ltd,  
A/p. Takali (s), Sikander,  
Tal. Mohol, Dist. Solapur.

**Annexure A-1**

**Sub:** Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Wastes (M & TM) Rules, 2016.

**Ref:** 1) Board's Consent to Operate valid for period upto 31/07/2022.  
2) Board's Official visited to your industry on 31/12/2022.  
3) Warning Notice issued vide no. 230109-FTS-0214, Dtd. 09/01/2023  
4) Sub Regional Officer, Solapur submitted legal action proposal vide no. MPCB-LEGAL\_ACTIONS-170123025, Dtd. 18/01/2023.

**WHEREAS**, your industry is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 followed by further amendments made therein from time to time.

**AND WHEREAS**, the Board had granted the consent to operate 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 6 of the Hazardous & Other Wastes (MH & TM) Rules, 2016 and amendments thereof.

**AND WHEREAS**, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively to achieve the standards prescribed in the consent.

**AND WHEREAS**, Board official has visited to your industry to check the compliance of consent conditions on 31/12/2022 and accordingly, Sub Regional Officer, Solapur has submitted legal action proposal vide reference (3) above with the following non-compliances,

1. You are not operated effluent treatment plant with full-fledged capacity.
2. Leakages were noticed to the anaerobic lagoon and untreated effluent from lagoon and spray pond was finding its way outside the factory premises and some effluent is stagnant at nearby effluent treatment plant.
3. You have failed to provide effluent treatment plant with adequate capacity to treat the entire industrial effluent and to achieve the consented effluent standards.
4. You have not provided CPU to recycle the treated effluent as per the consent conditions.

①

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5. You have used untreated effluent for irrigation, which is overflowed from the spray pond.
6. You have not provided adequate air pollution control system as the blackish smoke emissions were observed from the Boiler Stack.
7. The Operation and Maintenance of the ESP is poor.

**AND WHEREAS**, Board has already issued Warning Notice vide reference (3) for various non-compliances, however you have not yet complied with the said warning notice.

**AND WHEREAS**, from the record of this office and observations made during the visit, I came to the conclusion that, you are not complying the conditions mentioned in consent granted by the Board and also you have not complied with the provision of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 thereby causing grave injury to the environment.

**NOW THEREFORE**, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31 A of Air (Prevention & Control of Pollution) Act, 1981, I, undersigned Regional Officer of the Board, at Pune hereby issue directions as under-

1. Why your industry shall not be directed to close down the manufacturing activity forthwith?
2. Why the competent authorities shall not be directed to disconnect Water / electricity supply of your unit?

You are directed to submit your reply **within 07 days** alongwith corrective action plan towards the compliance of above non-compliances along with all necessary documents and also directed to remain **present for personal hearing on 01/03/2023 at 03:00PM** in the office of Regional Officer, M. P. C. Board, Jog centre, 3<sup>rd</sup> floor, wakadewadi, Pune-03 along with action plan towards the compliance of above related points, failing which further necessary action as deemed fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.

For and on behalf of  
Maharashtra Pollution Control Board

  
Regional Officer,  
M. P. C. Board Pune

Copy Submitted for information to

1. Joint Director (APC), M.P.C. Board, Mumbai.
2. Law Officer, M.P.C. Board, Mumbai.

**Copy to-**

**The Sub-Regional Officer, M.P.C. Board, Solapur :-** You shall submit the compliance report of this directions and be remain present for personal hearing along with present status.

**116**  
**MAHARASHTRA POLLUTION CONTROL BOARD**  
**REGIONAL OFFICE - PUNE**

Phone No. 020-25811694  
Fax No. 020-25811701  
e-mail : [ropune@mpcb.gov.in](mailto:ropune@mpcb.gov.in)  
visit us : [www.mpcb.gov.in](http://www.mpcb.gov.in)



"Your Service is our Duty"

Jog Centre, 3<sup>rd</sup> Floor,  
Wakdevadi,  
Old-Pune Mumbai Road,  
Pune- 411003

MPCB/ROP/PD/ 2310170002

Date: 17/10/2023

To,  
M/s. Bhima SSK Ltd,  
A/p. Takali (s), Sikander,  
Tal. Mohol, Dist. Solapur.

**Annexure A-2**

**Sub:** Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981.

- Ref:**
- 1) Board's Consent to Operate valid for period upto 31/07/2022.
  - 2) Complaint received Board Office at Solapur regarding disposal of untreated effluent on 31/7/2023.
  - 3) Visit of the Board Official to your industry on 10/08/2023.
  - 4) Warning Notice issued by the Board vide letter Dtd. 11/08/2023.
  - 5) Hon'ble National Green Tribunal (WZ) order on complaint on 24/08/2023 in the matter of a complaint Dtd. 17/08/2023.
  - 6) Proposal submitted by SRO Solapur vide no. MPCB-LEGAL-ACTIONS - 210923011 Dtd. 21/09/2023 & approval to the same on 04/10/2023.

**WHEREAS**, your industry is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 followed by further amendments made therein from time to time.

**AND WHEREAS**, the Board had granted the consent to operate 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 6 of the Hazardous & Other Wastes (MH & TM) Rules, 2016 and amendments thereof.

**AND WHEREAS**, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively to achieve the standards prescribed in the consent.

**AND WHEREAS**, it is obligatory on your part to obtain renewal of consent to operate before expiry of existing consent to operate.

**AND WHEREAS**, complaint received regarding discharge of untreated industrial effluent, due which may cause water pollution nuisance in the nearby area.

**AND WHEREAS**, Board official has visited to your industry to investigate the complaint and to check the compliance of consent conditions on 10/08/2023 and accordingly, Sub Regional Officer, Solapur has submitted legal action proposal vide reference (6) above with the following non-compliances,

1. You have not obtained Renewal of Consent to Operate for valid period.
2. The leakages found from the equalization tank of the Effluent Treatment Plant and the leaked effluent was accumulated around nearby area.
3. You have not provided CPU to recycle the treated effluent as per the conditions prescribed in consent Schedule-I 1) B].

2...

4. You have not provided adequate air pollution control system / scrubber to standby Boiler of capacity 30, TPH, 20 TPH & 20 TPH.
5. You have not submitted the Bank Guarantee of Rs. 25 Lakh towards compliance of the consent conditions and O & M of the pollution control systems as per condition prescribed in earlier consent to operate.

**AND WHEREAS**, it was observed from the analysis report of JVS collected by the Board officials on 03/01/2023 from ETP (Outlet) the parameters BOD-109.1 mg/lit, COD-283 mg/lit, TDS-2234 mg/lit respectively are exceeding than the prescribed effluent standards i.e. BOD-100mg/lit, COD-250 mg/lit, TDS-2100 mg/lit.

**AND WHEREAS**, from the record of this office and observations made during the visit, I came to the conclusion that, you are not complying the conditions mentioned in consent granted by the Board and also you have not complied with the provision of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 thereby causing grave injury to the environment.

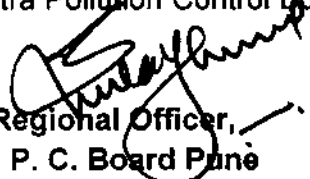
**NOW THEREFORE**, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31 A of Air (Prevention & Control of Pollution) Act, 1981, I, undersigned Regional Officer of the Board, at Pune hereby issue directions as under-

1. Why your industry shall not be directed to close down the manufacturing activity forthwith?
2. Why the competent authorities shall not be directed to disconnect Water / electricity supply of your unit?

You are directed to submit your reply **within 07 days** alongwith corrective action plan towards the compliance of above non-compliances along with all necessary documents, failing which further necessary action as deemed fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.

This Directions issued with the approval of the Board's Competent Authority.

For and on behalf of  
Maharashtra Pollution Control Board

  
Regional Officer,  
M. P. C. Board Pune

Copy Submitted for information to

1. Joint Director (APC), M.P.C. Board, Mumbai.
2. Law Officer, M.P.C. Board, Mumbai.

**Copy to- The Sub-Regional Officer, M.P.C. Board, Solapur :-** You shall submit the compliance report of this directions with present status.

**MAHARASHTRA POLLUTION CONTROL BOARD  
REGIONAL OFFICE - PUNE**

Phone No. 020-25811694  
Fax No. 020-25811701  
e-mail : [ropune@mpcb.gov.in](mailto:ropune@mpcb.gov.in)  
visit us : [www.mpcb.gov.in](http://www.mpcb.gov.in)



Jog Centre, 3<sup>rd</sup> Floor,  
Wakdewadi,  
Old-Pune Mumbai Road,  
Pune- 411003

MPCB/ROPIK-2/240120002

Date: 12/04/2024

To,  
M/s. M/S BHIMA SSK LTD  
A/P- TAKALI(S). TAL MOHOL, DIST SOLAPUR.

## Annexure A-3

**Sub: Closure Directions u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016 and amendments thereafter.**

- Ref:**
- 1) Complaint regarding the disposal of untreated effluent dated 31.07.2023.
  - 2) Proposed directions issued vide No. MPCB/ROP/PD/2310170002 dated 17.10.2023.
  - 3) Board officials visit to site on 03.12.2023 to verify the compliance pf proposed directions.
  - 3) Proposal submitted MPCB-LEGAL\_ACTIONS-210923011 and approved by HQ dated 10.04.2024.

**WHEREAS**, you are operating your industry in 'Pollution Prevention Area' under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of) Act, 1981 & Hazardous & Other Wastes (Management & TM) Rules, 2016.

**AND WHEREAS**, it was obligatory on your part to obtain Consent to operate from the Board under the Provision of Water (P &CP) Act, 1974, Air (P &CP) Act, 1981 and Hazardous & Other Wastes (M & TM) Rules 2016 and to comply the same.

**AND WHEREAS**, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively so as to achieve the standards prescribed in the consent.

**AND WHEREAS**, Hon'ble National Green Tribunal, New Delhi has passed the Order in the application No 37/2012 filed by Wassan Singh V/s State of Punjab regarding sealing the unit's operating without obtaining consent from SPCBs/PCC.

**AND WHEREAS**, Board office has received the complaint regarding the untreated effluent disposal, accordingly Board officials has visited the site location on 03.12.2023 to verify the compliance of proposed directions issued vide ref (2) and noticed noncompliance as below,

1. You have not provided the ETP with adequate capacity to treat the entire effluent load.
2. You are partially treating effluent stream and remaining effluent bypassed the ETP system.
3. The probe of online meter not found dipped inside the treated effluent water.
4. You have not provided water circulation pump at online system probe.
5. The Blackish smoke observed through chimney.
6. You have not submitted bank guarantee of Rs. 25 lakh as per existing consent condition.
7. You have not provided CPU system.

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**AND WHEREAS**, after going through the record of your case, reports and information of the Board officials and making necessary enquiries, I came to the conclusion that you are failed to comply with the provision of Water (P&CP) Act, 1974, Air (P&CP) Act, 1981 thereby causing grave injury to the Environment in the least bothered way.

**NOW, THEREFORE**, in exercise of powers conferred upon me by the Board u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981, I the undersigned, **Ravindra Andhale, Regional Officer at Pune hereby direct to stop manufacturing activity forthwith till complying with the directions and further order of the Board from receipt of this directions.**

For and on behalf of  
Maharashtra Pollution Control Board



(Ravindra Andhale)  
Regional Officer, Pune

Copy submitted for favor of information to:-  
The Member Secretary, MPCB, Mumbai.

Copy forwarded to:-

1. Joint Director (APC), MPCB, Mumbai.
2. Law Officer (P& L Div), MPCB, Mumbai.

Copy forwarded with compliments for necessary action to:

1. **Dy. Engineer, MSEDCL Div, Sikandar Takali, Sub Station, Tal- Mohol, Dist Solapur.** - He is directed to disconnect the electric supply of above unit, after receipt of this direction and communicate accordingly.
2. **Executive Engineer, (Water Supply), Bhima Patbandhare Divison, Pulu. Tal-pandharpur, Dist- Solapur:** - He is directed to disconnect the water supply of above unit, after receipt of this direction and communicate accordingly.

Copy to Sub Regional Officer, Solapur -

He is directed to serve the directions to addressee and component authorities and submit acknowledgement copy to this office immediately & submit further compliance report of same.

For and on behalf of MPC Board



(Ravindra Andhale)  
Regional Officer, Pune