

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

O. A. No. 81/ 2022 (WZ)

Shri Shantinath Devappa Hukkeri

Petitioner

Vs.

Dunung Industries Pvt. Ltd. and Others.

Respondents

**COMMENTS ON BEHALF OF
RESPONDENT NO. 1 i.e.
Dunung Industries Pvt. Ltd. TO
REPORT FILED BY COMMITTEE**

The Respondent No. 1 humbly submits before this Hon'ble Court as follows:

- 1) That this Hon'ble Court vide order dated 03/04/2023 was allowed the Respondent No. 1 to file objections against the report filed by committee and accordingly Respondent is submitting its objections as follows.
- 2) That, in compliance of the order dated 30/09/2022 passed by this Hon'ble Court, the committee has submitted its report. The committee in their report at para 6.2 has recommended –

'In absence of data/information/records regarding damage of agriculture/crop produce along with Application and also the committee, damage/compensation could not be assessed. Applicant may be asked to provide detailed data/records regarding agriculture produce/plants before (05 years and after the commissioning of the industry (till 2022) and based

on which damage/compensation may be assessed further by District Agriculture Office along with Land/Revenue Record office/Tehsils Office or through any reputed Institute/University in the field of Agriculture.'

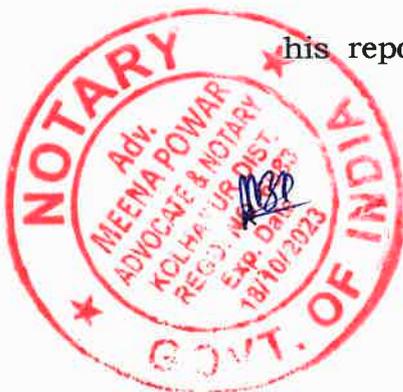
For which the Respondent industry wants to bring to the knowledge of this Hon'ble Court that, the observations made in para 5.2. I of the committee's report states that *the deposition of dust/soot observed on the leaves "might be due to deposition of black soot due to burning of waste agricultural remains in the nearby agricultural farm/village."*

At para 5.2 – II states that "regarding effect of the black/brown dust/soot containing iron on soil the soil samples collected in the location of four agricultural farms along with petitioner's farm were collected by the team, of taluka agriculture office and analysed at district soil survey and soil testing laboratory Kolhapur" which gives as "concentration of ferrous is in the range of values (4.5 to 99.9) for ferrous (iron) and it will not damage the crops and plants. The concentration of iron in soil sample is below the 34.26 ppm in all soil samples.

The concentration of copper is in the range of values (0.2 to 99.99) for copper to be good for cultivation and will not damage the crops and plants. The samples taken shows maximum of 6.01ppm of copper content.

All above parameters are well within prescribed limits and soil of the nearby vicinity of Respondent industry is good for cultivation of crops and plants.

3) It is pertinent to note that The District Agriculture Officer, Kolhapur in this report has stated that the soil samples collected are well within



parameters and as such the soil is not contaminated at all and good for cultivation of crops. In the scenario, where the soil is not contaminated nor any pollution has occurred, it is inappropriate to say that data of last five years is required to assess damages.

- 4) The committee further has given recommendations w.r.t. ETP of the industry and adequate APCS. It is submitted that the ETP of the industry is a batch type ETP that is rarely used and whenever required. The said ETP is upgraded as per the directions given by the Board. The industry has also upgraded its APCS.
- 5) However, in the absence of substantial evidence on record to show that industry has polluted the agricultural land of the petitioner, the recommendations in the report submitted by the Committee doesn't show any relevance for the previous records for the assessment of agricultural loss.
- 6) It is therefore prayed that-
 - a) The recommendation at para 6.2 may kindly be quashed and set aside;
 - b) The present Respondent No. 1 be permitted to add to or to amend say as, if and when necessary.

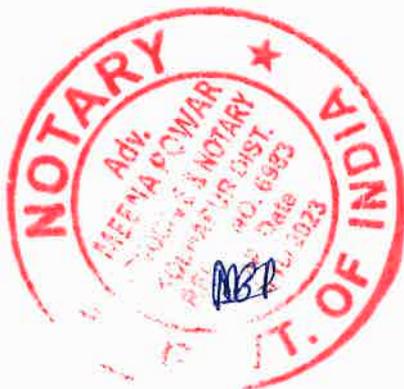
Place: Kolhapur

Date: 05/07/2023

DUNUNG INDUSTRIES PVT. LTD.

DIRECTOR

Respondent No. 1



Pratima Jadhav
Advocate for Respondent No. 1

VERIFICATION

I Pritam Prafulla Dunung, Age- 43, Occu- Business, Director of Respondent No. 1 R/o. Kolhapur, State on solemn affirmation that the contents of above Say are true and correct to the best of my knowledge and belief and the information which I have relieved and I believe same to be true and correct. Hence the Verification.

Kolhapur

Date - 05.07.2023

DUNUNG INDUSTRIES PVT. LTD.
Pritam Prafulla Dunung
DIRECTOR

AFFIDAVIT

I Pritam Prafulla Dunung, Age- 43, Occu- Business, Director of Respondent No. 1 R/o. Kolhapur today at Kolhapur State on oath that the contents of above Say are true and correct to the best of my knowledge and belief and I believe them to be true and correct. Hence the Affidavit.

Kolhapur

Date - 05/07/ 2023

I Know the deponent

Pratima Jadhav
Advocate

Presented on - 05/07/2023

DUNUNG INDUSTRIES PVT. LTD.
Pritam Prafulla Dunung
DIRECTOR

SOLEMNLY affirmed before me
by Pritam Prafulla Dunung
Who is Identified before me
by Sachin Chavhan Adv.
Whom I personally know
This 5th day of July 2023

Miss Pooja MB
517/2023
Adv. Meena Balasaheb Powal
NOTARY GOVT. OF INDIA
1108, E Near B T College
Shahupuri KOLHAPUR (M.S.)
Notary Regi Sr. No. 1937/2023

