

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
AT PUNE

Original Application No. 113/2023 (WZ)

1) Shri Kapil Baliram Bomnale,
Age-25 years, Occupation- Farmer,
Residing at Shivni Jamga, Taluka-Loha,
District-Nanded & Others,} Applicants

V/s

1) Director,
M/s Twenty-One Sakhar Karkhana Unit No.3,
Shivani (Jamga), Taluka-Loha, District-Nanded 431601.
& Others.

Email ID: twentyonesugarsltd@gmail.com

.....} Respondents

Comments of the Applicants on the Verification Report of the Joint Committee
received from the MPCB on 12th August 2024.

MAY IT PLEASE YOUR HONOUR-

The Applicants would like to submit the Comments of the Applicants on the
Verification Report of the Joint Committee received from the MPCB on 12th
August 2024 as follows:

This Hon'ble Tribunal has constituted another Committee consisting of one
member each, the District Collector, Nanded Office & District Agriculture Officer,
Nanded, to verify the correctness of the Applicants' Claim for Personal
Compensation made in Form No. II. The Joint Committee in its verification has
assessed the correctness of the Claim for General Environmental Compensation
& Personal Compensation of the Applicants as below:

- 1) The R.N.1 has raised the first objection that the Crushing Season, 2023-24
started from 10-11-2023 & not from 01-11-2023. However, the JC has rightly
observed that R.N.1 admitted in their Objection Report, dated 20th April 2024
that it had conducted trials & tests of various new types of machinery installed

by it from 01-11-2023 itself & OCEMS data in respect of emission & effluent transmitted to the MPCB & CPCB Servers recorded from 03rd November 2023 and therefore the objection in this respect not entertained to review EDC imposed for the said period.

- 2) The other objection was concerning the purchase of the factory by the R.N.1 on 01-12-2023 & therefore it may not be treated as responsible for data analysis on OCEMS-Emission & Effluent. Hon'ble Committee has rightly referred the MPCB-Record wherein the R.N.1 admitted that the R.N. 1 purchased M/s TSL-Group in December 2022, but operated in the name of 21 Sakhar Karkhana P. Ltd (Unit-III) and therefore it was responsible for non-installation of OCEMS as per the CPCB-Directions dated 05-12-2014 being 17- Categories highly polluting industry. Hence, the JC has considered it as the non-compliance on the part of the R.N.1. In fact, the Respondent No.1 has purchased the above unit from Dharashiv Sakhar Karkhana Unit-III with all responsibilities and liabilities of it and therefore it cannot be exempted from whatever liabilities (legal responsibilities of its Predecessor).
- 3) The JC has further refused to consider the contention of the R.N.1 about marginal exceeding results of JVS & Source Emission on the ground of the MPCB-Inspection the R.N.1 was observed to be non-complied with reference to the discharge of treated effluent from final outlet more than the prescribed standards for BOD & COD as well as overflow of spray pond effluent/discharge of effluent into nalla & exceeding source-emission & nalla having concentration of BOD 39.5 & COD 112 & 208 respectively.
- 4) The JC also observed other non-compliances such as non-control of the fugitive emissions, non-provision of wind breaking walls/enclosures around the bagasse storage area with preventive measures which entered nearby agricultural fields of the Applicants and caused damage to their crops.
- 5) The arrangements provided by the R.N.1 observed to be undue & or illegal disposal of effluent into nalla cannot be ruled out as per JC.

- 6) Even the analysis results of the source emission of Stack attached to 32 TPH Bagasse fired boilers are exceeding. The agricultural fields of the Applicants during the visit & inspections observed to be deposition on agricultural fields with the grown-up crops (cotton, jawar, ground nut & animal fodder etc. with soot particles) (Type of particle pollution, called PM-2.5 - micrometers in diameter or smaller) It was emitted from the stack in downwind & cross wind directions. For emission from Stack more than the prescribed standards, EDC worked out Rs. 11,10,000/- is reconfirmed by JC.
- 7) R.N.1 tried to seek excuse for non-provision of CPU (Condensate Polishing Unit) for treatment of condensate (a variety of substances that can be formed by condensation/ chemical reaction, or processes) generated from the boilers. CPU meant mainly for treatment & reuse of excess / process condensate generated from the process not from the ancillary/utility section i.e. from boilers. Therefore, R.N. 1 has been found to be non-complied industry as far as CPU-Condition in the Consent to Operate by the J.C. For which EDC of Rs. 46,50,000/- has been reconfirmed by the Committee.
- 8) R.N.1 has also been found to be unconsented and in respect of period of violation and associated environmental compensation of Rs. 11,70,000/- was reconfirmed by the Committee.
- 9) As far as damages for accidental discharge of effluent/spray pond effluent into nalla worked out earlier to be Rs. 27,60,000/-, JC reassessed EDC as per the revised period of violation @ Rs. 21,60,000/- In fact, as per the observation of the JC, the Accidental discharge of effluent into environment (nalla, which further meets Godavari) repeatedly observed during January & November 2023 & therefore no reassessment is necessary.
- 10) Hon'ble J.C. has reconfirmed the discharge & emission into nearby environment & agricultural fields of the Applicants including nalla reaching Godavari River and more particularly damage caused to the agricultural crops due to deposition on agricultural fields with the grown-up crops (cotton, jawar, ground nut & animal fodder etc. with soot particles) (Type of particle pollution,

called PM-2.5 micrometers in diameter or smaller) It was emitted from the stack in downwind & cross wind directions. The Applicants earlier have submitted exceeding results of the MPCB & also Krishi Expert Report as well as Panchnama carried out of their crops. The Applicants have collected some old receipts with great efforts in respect to the less price received by them and handed over to the JC. But Hon'ble JC not made any reference thereof or about assessment of personal compensation even though it is confirmed that the agricultural lands of the applicants and crops had been damaged. The Applicants have collected the Yearly Summary of the lowest, medium or general & highest market price given to various agricultural products like jawar, gehu, kapus (Cotton), halad & Other agricultural products for the years for which it was made available to them. During the Meeting conducted with the District Collector Office, the Applicants specifically pointed out that these receipts are submitted in pursuance of their damages and may kindly be taken into consideration.

It was informed in the meeting that the Agricultural Dept & District Collector will submit a separate report about personal assessment of compensation. The MPCB has filed an affidavit dated 16/08/2024 stating that as per the meeting held at the District Collector's Office on 08/08/2024 & 16-08-2024 along with the District Collector, Sub-Divisional Officer, Kandhar, District Agriculture Superintendent, and Shree. Gunwant Patil, all the documents (including the receipts and other documents submitted by the applicants) are handed over to Shree Gunwant Patil to decide agricultural compensation with all the members and Shree Kapil Bomnale. The work is in progress and may be completed within 15 days.

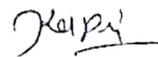
Therefore, the Report on personal compensation shall be finalized after the Committee completes its work. Hence, it is prayed that personal compensation may kindly be awarded.

Dated this 16th day of August 2024



Dattatraya Devale, Advocate.

For & On behalf of the Applicants,



(Kapil Bomnale)