

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE, PUNE  
Original Application No. 50/2023 (WZ)**

Shahu Shivaji Mokashi

...Appellant

Versus

M/s Appasaheb Nalwade Gadhinglaj  
Taluka SSK Ltd. & Ors.

...Respondent(s)

**COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 2  
& 3 MAHARASHTRA POLLUTION CONTROL BOARD**

I, J. S. Hajare, age about 56 years, Occupation-service, the Regional Officer of the Maharashtra Pollution Control Board at Kolhapur having my office at Maharashtra Pollution Control Board, Udyog Bhavan Building, Near Collectorate Office, Kolhapur - 416 002, do hereby state on solemnly affirmation as under:-

I, am presently working as the Regional Officer, Kolhapur with the Maharashtra Pollution Control Board, I have gone through the Hon'ble National Green Tribunal (WZ) Pune order dated 19.09.2024. I am submitting reply affidavit on behalf of Respondent No. 2 regarding Environmental Damage Cost after provide an opportunity of hearing to Respondent No. 1 M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd.

1. I say and submit that the committee visited the premises of respondent No.1 on 06.06.2022 and submitted in report with directions to the Hon'ble National Green Tribunal on 23.06.2022. Also I say and submit that as per the directions of the Hon'ble National Green Tribunal dated 22.09.2023 the details of



Environmental Damage Cost from Respondent No. 1 M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd. are as follows:-

**A) EDC calculation for Sugar unit**

The formula taken as per para 6 of the Order of Hon'ble NGT in the O.A. No.593/2017 (Paryavaran Samiti & Anr. Vs. Union of India & ors.) dtd. 19/02/2019. The Environmental Compensation is calculated based on the Following Formula;

$$EC = (PI \times N \times R \times S \times LF)$$

**Whereas,**

EC is Environmental Compensation in Rs.

PI= Pollution index of industrial sector.

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = location factor

**Therefore EC = (80 x 127 x 250 x 1.5 x 1.0)**

**=Rs. 38,10,000/-**

**Therefore, the Environmental Compensation is Rs. 38,10,000/-**

**PI= Pollution index of industrial sector.**

The average Pollution index of 80 was taken as Environmental compensation for the unit (as the consent granted to unit under RED category)

**N = Number of days of violation took place:**

The number of days are considered from the crushing season of 2021 – 2022 as the Joint committee was visited to the said unit 06.06.2022. Sugar unit operated for seasons as 2021-2022 – 55 days, 2022-2023 – 0 days and 2023-2024 – 72 days, i.e. total days of operation are 127 days.



**R = A factor in Rupees for EC**

Which is minimum of 100 to a maximum of 500. R is considered as Rs.250, as the Environmental compensation in case of violation.

**S = Factor for scale of operation**

For Small s=0.5, For medium S=1 & Large unit S=1.5

**LF = location factor**

It based on population of city/town and location of industrial unit. LF will be 1.0 in case unit is located > 10 km from municipal boundary.

**B) EDC calculation for Distillery unit**

the formula taken as per para 6 of the Order of Hon'ble NGT in the O.A. No.593/2017 (Paryavaran Samiti & Anr. Vs. Union of India & ors.) dtd. 19/02/2019. The Environmental Compensation is calculated based on the Following Formula;

$$EC = (PI \times N \times R \times S \times LF)$$

**Whereas,**

EC is Environmental Compensation in Rs.

PI= Pollution index of industrial sector.

N = Number of days of violation took place

R = A factor in Rupees for EC

S = Factor for scale of operation

LF = location factor

Therefore EC = (80 x 40 x 250 x 1.5 x 1.0)

=Rs. 12,00,000/-

**Therefore, the Environmental Compensation is Rs. 12,00,000/-**



**PI= Pollution index of industrial sector.**

The average Pollution index of 80 was taken as Environmental compensation for the unit (as the consent granted to unit under RED category)

**N = Number of days of violation took place:**

The number of days are considered from the crushing season of 2021 – 2022 as the Joint committee was visited to the said unit 06.06.2022. Distillery operated for seasons as 2021-2022 – 40 days, 2022-2023 – 0 days and 2023-2024 – 0 days, i.e. total days of operation are 40 days.

**R = A factor in Rupees for EC**

Which is minimum of 100 to a maximum of 500. R is considered as Rs.250, as the Environmental compensation in case of violation.

**S = Factor for scale of operation**

For Small s=0.5, For medium S=1 & Large unit S=1.5

**LF = location factor**

It based on population of city/town and location of industrial unit. LF will be 1.0 in case unit is located > 10 km from municipal boundary.

**C) Total EDC calculation is as follows**

1. EDC for Sugar unit is Rs. 38,10,000/-
2. EDC for Distillery unit is Rs. 12,00,000/-

Total Rs. 50,10,000/-

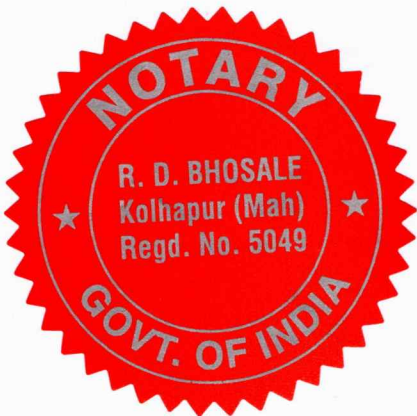
**Total EDC is Rs. 50,10,000/-**



3. I say and submit that, as per the directions dated 19.09.2024 the personal hearing has been extended through video conference to the Respondent industry representative under the Chairmanship of Joint Director (APC), M. P. C. Board, Mumbai on 29.11.2024 at Regional Office, M. P. C. Board, Kolhapur. During the personal hearing Respondent industry representative has requested that due to financial crises conditions of the industry, the minimum EDC amount should be imposed or waived as possible. Respondent industry assured that they will upgrade the existing ETP of sugar & will make compliance of distillery unit before starting of crushing season. The copy of the Minutes of Meeting & Reply submitted by industry same is collectively enclosed & marked as **Annexure- "A"**.

4. I say and submit that there was no objection pointed out by the Respondent except requested for waiver of the EDC calculated by the Board or to minimize EDC to be imposed due to financial reasons. The Hon'ble Tribunal may pass an appropriate in the matter.

Solemnly affirmed on this 29<sup>th</sup> day of November 2024 at Kolhapur



Notary/Sr./No.- 5034/2024  
Solemnly affirm & Signed / L. H. T. L. Before me by J. S. HAJARE  
& State that the contents of the Affidavit are true and correct. Who is identified by self

Adv. R. D. Bhosale  
Notary Public (Govt. of India)  
Dist. Kolhapur.

29 NOV 2024

For & on behalf respondent No. 2  
Maharashtra Pollution Control Board

(J. S. Hajare)

Regional Officer- MPCB, Kolhapur



**MAHARASHTRA POLLUTION CONTROL BOARD****Minutes of Personal Hearing before Joint Director (APC)**

01	Name of the Industry	M/S. Appasaheb Nalawade Gadhinglaj T.S.S.K.Ltd; S. No. 424a/457, Harali Br.Tal. Gadhinglaj, Dist. Kolhapur. ( Sugar & Distillery Units)
02	Date of Hearing	29/11/2024
03	Industry Representative	Shri. Sunilkumar A. Mane, Distillery Manager, Shri. Ajay Magdum, Legal Advisor, Shri. Prakash Bhamanagol, Warehouse Incharge.
04	References	1. Interim Direction issued on 17.11.2022 2. Direction issued on 01.08.2022

**Brief History:**

Board has granted Consent to Operate to M/S. Appasaheb Nalawade Gadhinglaj T.S.S.K.Ltd; S. No. 424a/457, Harali. Tal. Gadhinglaj, Dist. Kolhapur both Sugar and Distillery Units which are valid up to 31.07.2024 for sugar & 31.08.2024 for distillery.

- In the last hearing the dtd. 19.09.2024 the Hon'ble NGT has directed that "*the how was it possible during violation i.e. 2021-2022, the industry was allowed to function for next two years and required clarification within two weeks and directed to MPCB to provide an opportunity of hearing to respondent No.1 within one month and re-calculate the amount of EDC*".
- SRO Kolhapur has submitted detailed background information of previous NGT orders in respect of OA. 50 of 2023. Accordingly, personal hearing is extended to the industry as a compliance of last NGT order dtd. 19-09-2024.
- During the hearing it is informed to the industry the calculation of EDC on the basis of last three crushing seasons are considered with respect to only operational days as submitted by industry. After visit of Joint committee dtd. 06.06.2022 to the unit the crushing season of 2021 – 2022, 2022-2023 and 2023-2024, i.e. total only operational 127 days of Sugar and Distillery – 40 days are considered. The calculated EDC for Sugar unit is Rs. 38,10,000/- and Distillery is Rs. 12,00,000/- lacs, the total amount of EDC is Rs. 50,10,000/-.
- During personal hearing industry representative has requested that the crises of financial conditions of the industry, the minimum EDC amount should be imposed or waived as possible.
- Joint Director / Chairman of the hearing has directed the industry as per the formula given by CPCB, the minimum operational days are considered as per days submission by industry accordingly EDC is calculated, as the directions of Hon'ble NGT which seems to be correct.

**Decision:**

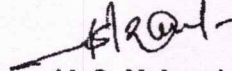
After due deliberation, following line of action decided –

1. Industry shall comply Interim Directions issued to industry on 17-11-2022
2. Industry shall upgrade the existing ETP before starting manufacturing activity.



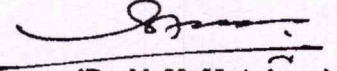
(Pramod Mane)

Sub-Regional Officer, Kolhapur



(J. S. Hajare)

Regional Officer, Kolhapur



(Dr. V. M. Motghare)

Joint Director (APC)

Gram : GODSAKHAR, Gadhinglaj  
 Fact. : (02327) 250317-18-19  
 Kolhapur Off. : (0231) 2650340  
 Fax : (02327) 250314  
 E-mail:gtsskltd@rediffmail.com



**APPASAHEB NALAWADE GADHINGLAJ TALUKA  
 SAHAKARI SAKHAR KARKHANA LTD., HARALI**

TAL. GADHINGLAJ - 416502, DIST. KOLHAPUR (MAHARASHTRA)

Ref. :

Distt./ 625A/2024-25

FTS - 0098		
29	11	2024

Date :

28-11-2024

To,  
 The Regional Officer,  
 Maharashtra Pollution Control Board,  
 Udhog Bhavan, Near Collector Office,  
 Assembly Road,  
 Kolhapur.

**Subject :** Personal hearing on NGT application No. 5o/2024.

**Reference :** Letter No. MPCB/RO/Kop/FTS-0116 Dated 28/11/2024.

Respected Sir,

As per your letter dtd. 28/11/2024 for personal hearing regarding EDC. We request you that due to our financial crises were not in position as per your calculation of EDC.

So You are requested to wave the EDC amount of Sugar Division Rs. 38,10,000/- and Distillery Rs. 12,00,000/- Total Rs. 50,10,000/-.

We are not started crushing season due to financial crises. we are settling our financial crises & we are going to start season.

We assure that we will upgrade ETP & Distillery compliances before starting of crushing season.

Hence we humbly request your goods <sup>self</sup> to consider our case sympathetically & oblige.

Thanking You,

Yours Faithfully,

*[Signature]*  
 Managing Director

Appasaheb Nalawade GTSSK Ltd., Harali

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