

**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 02.12.2024. I am submitting reply affidavit on behalf of Respondent No. 2 regarding response on assessed the EDC amount.

I say and submit that as per the directions of Hon'ble NGT the Board extended personal hearing to the industry on 29.11.2024 and interim directions issued on 31.12.2024. The said Interim Directions are marked as an **Annexure-I**.

I say and submit that the Board has calculated EDC amount on the basis of non-compliances observed and directions issued to the Respondent industry. The analysis reports of the samples collected from respondent factory no 01 in last three crushing seasons are exceeding the



permissible limits of the consent standards. The results of analysis report in tabular format are marked as an **Annexure-II**.

Solemnly affirmed on this 21st day of March, 2025 at Kolhapur

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



[Handwritten Signature]
(J. S. Hajare)

Regional Officer- MPCB, Kolhapur



Notary/Sr./No.:- e33/2024
Solemnly affirm & Signed / L. H. T. L. Before me
me by जयवंत डवल दजारी
& State that the contents of the Affidavit are
true and correct. Who is Identified by पुश्वो साहेब

[Handwritten Signature]
Adv. R. D. Bhosale
Notary Public (Govt. of India)
Dist. Kolhapur.

21 MAR 2025



MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

<p>Tel. No. (0231) 2652952, 2660448 Fax No. (0231) 2652952. E-mail: rokolhapur@yahoo.com</p>	<p style="text-align: center;"> "Your Service is Our Duty"</p>	<p>Udyog Bhavan, Near Collector Office, Kolhapur - 416 003. Website: http://mpcb.mah.nic.in</p>
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No. MPCB/RO/KOP/ID/24123)0013

Date: 31/12/2024

To,
M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd.,
(Sugar Division), A/p-Harali,
Tal. Gadhinglaj, Dist. Kolhapur.

Sub: Interim Directions under section 33 A of the Water
(Prevention & Control of Pollution) Act, 1974 and rule made
thereunder.

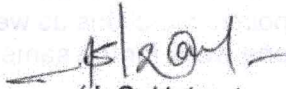
- Ref:**
1. NGT Original Application No. 50 of 2023 filed by Shahu Shivaji Mokashi Vs. M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd. & Ors.
 2. Legal action proposal vide no. MPCB-LEGAL_ACTIONS-270722005.
 3. Personal hearing extended to you by the undersigned on 29.11.2024.

This refers to NGT Original Application No. 50 of 2023 filed by Shahu Shivaji Mokashi Vs. M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd. & Ors. vide above reference at 1 & legal action proposal submitted by SRO Kolhapur vide above reference cited at 2.

The personal hearing of industry representative was extended on 29.11.2024 & as agreed by the industry representative during Personal Hearing, it is directed to comply with following directions:-

1. Industry shall upgrade existing Effluent Treatment Plant before starting manufacturing activity.
2. Industry shall comply Interim Directions issued to industry on 17.11.2022.

In case of failure of above directions, the Board will have no any other option to issue final directions as may deem fit in your case, which may be noted.


(J. S. Hajare)
Regional Officer, Kolhapur

Copy submitted to:- Joint Director (APC) M.P.C. Board, Mumbai

Copy to:-Sub-Regional Officer, M.P.C. Board, Kolhapur - It is directed to ensure the compliance of above directions & keep close vigilance on the industry & report accordingly.

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.**

<p>Tel. No. (0231) 2652952, 2660448 Fax No. (0231) 2652952. E-mail: rokolhapur@yahoo.com</p>	 <p align="center">"Your Service is Our Duty"</p>	<p>Udyog Bhavan, Near Collector Office, Kolhapur - 416 003. Website: http://mpcb.mah.nic.in</p>
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No. MPCB/RO/KOP/ID/ 2211170003

Date: 17/11/2022.

To,
M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd.,
(Sugar Division), A/p-Harali,
Tal. Gadhinglaj, Dist. Kolhapur.

Sub: Interim Directions under section 33 A of the Water
(Prevention & Control of Pollution) Act, 1974 and rule made
thereunder.

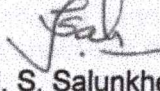
Ref: 1. NGT Original Application No. 180 of 2022 of Shahu Shivaji
Mokashi vs State of Maharashtra & Others.
2. Proposed Directions vide letter dated 01.08.2022.
3. Personal hearing extended to you by the undersigned on
03.11.2022.

As per NGT matter (NGT OA No. 180 of 2022) Proposed Directions issued to the industry on 01.08.2022 followed by the personal hearing extended on 03.11.2022, the following are the interim directions issued u/s 33 A of the Water (Prevention & Control of Pollution) Act, 1974 & rule made thereunder.

1. You shall not start the production before completion of all Effluent Treatment Plant upgradation work & full filling the CREP norms for sugar industry.
2. You shall remove all bypass arrangements from the Effluent Treatment Plant.
3. You shall dispose all trade effluent stored in the unlined lagoon near the ETP after treatment & all unlined lagoons shall be scrapped.
4. You shall provide 15 days storage tank before starting the crushing season.
5. You shall provide/ complete scientific agriculture management plan for utilization of treated effluent before starting the crushing season.
6. As per the information from the industry representative, the election of body members will be conducted & decision regarding up gradation & compliance of the directions will be taken after the formation of body & chamber.
7. You are instructed to not to start any manufacturing activity till the compliance of above points/ directions as well as directed to submit the undertaking as an assurance within one week for the same.

In case you fail to comply with the above interim directions, the Board will have no option but to issue final directions as may deem fit in your case, which may please be noted.

FOR & ON BEHALF
OF THE BOARD


(J. S. Salunkhe)
Regional Officer, Kolhapur

Copy submitted for favour of information:

Member Secretary, MPC Board, Mumbai.

Copy f.w.cs. for information to:

1. Regional Officer (HQ), MPC Board, Mumbai.

Copy to:

1. Sub-Regional Officer, M.P.C. Board, Kolhapur.

- He is directed to submit the compliance report from time to time & keep vigil.

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Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/ /PD/ 2 20 2010002

Date 01/08/2022.

To,
**M/s. Appasaheb Nalawade G.T.S.S.K.Ltd., Harali,
Collaboration with Brisk Facilities Pvt. Ltd.,
(Sugar Division) A/p. Harali,
Tal. Gadhinglaj, Dist. Kolhapur.**

Sub: Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M, H & T) Rules, 2008 as amended.

- Ref:
1. Consent granted by the Board .
 2. NGT Original Application No. 180 of 2022 of Shahu Shivaji Mokashi Vs State of Maharashtra & Others.
 3. Constitution of a committee vide letter No. MPCB/JD (WPC)A3-220520-FTS-0112, dated: 20-05-2022.
 4. Visit of Committee to your unit dated 06.06.2022.
 5. Order passed by Hon'ble NGT dated 08.07.2022

.....
WHEREAS, you are operating your unit in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, Board Officials along with the committee constituted under the NGT Original Application No. 180 of 2022, visited your unit on 06/06/2022 for investigation and observed following non compliances.

1. The physical observation during the visit shows that effluent treatment plant equipment's were not in working conditions.
2. You have provided bypass arrangements from the ETP and were instructed to remove all bypass arrangements during the visit.
3. During visit it was noticed that you have stored the trade effluent into the unlined lagoon near the ETP and this may join to near by nalla leading to river Hiranyakeshi during the rainy season.
4. You have not provided 15 days storage tank. The provided two numbers of lagoons are unlined & during the visit were filled with trade effluent mixed with rain water.
5. You have not provided scientific agriculture management plan for utilization of treated trade effluent and hence the treated trade effluent joins surface drain leading to nala and Hiranyakeshi river.

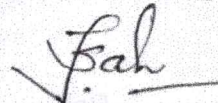
AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities).

1) Why this office shall not initiate legal actions against you ?

You are directed to file your reply to these directions if any, within seven days from the receipt of this notice, failing which Board shall consider issuance of appropriate further legal action as may be deemed fit in your case, which may please be noted.

FOR AND ON BEHALF OF THE BOARD



(J.S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur

Copy submitted for information.

- 1) Member Secretary, M.P.C. B, Mumbai.
- 2) Joint Director (Water Pollution Control) Mumbai.

Copy to:

Sub-Regional Officer, M.P.C. Board, Kolhapur

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly.



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No. MPCB/RO/KOP/ID/24123/0014

Date: 31/12/2024

To,
M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd.,
(Distillery Division), A/p-Harali,
Tal. Gadhinglaj, Dist. Kolhapur.

Sub: Interim Directions under section 33 A of the Water
(Prevention & Control of Pollution) Act, 1974 and rule made
thereunder.

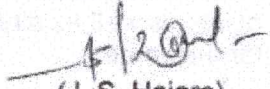
Ref: 1. NGT Original Application No. 50 of 2023 filed by Shahu Shivaji
Mokashi Vs. M/s. Appasaheb Nalawade Gadhinglaj Taluka
SSK Ltd. & Ors.
2. Legal action proposal vide no. MPCB-LEGAL_ACTIONS-
270722004.
3. Personal hearing extended to you by the undersigned on
29.11.2024.

This refers to NGT Original Application No. 50 of 2023 filed by Shahu Shivaji Mokashi
Vs. M/s. Appasaheb Nalawade Gadhinglaj Taluka SSK Ltd. & Ors. vide above reference at 1
& legal action proposal submitted by SRO Kolhapur vide above reference cited at 2.

The personal hearing of industry representative was extended on 29.11.2024 & as
agreed by the industry representative during Personal Hearing, it is directed to comply with
following directions:-

1. Industry shall upgrade existing Effluent Treatment Plant before starting manufacturing
activity.
2. Industry shall comply Interim Directions issued to industry on 17.11.2022.

In case of failure of above directions, the Board will have no any other option to issue
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 (J. S. Hajare)
 Regional Officer, Kolhapur

Copy submitted to:- Joint Director (APC) M.P.C. Board, Mumbai

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No. MPCB/RO/KOP/IDI 2211170002

Date: 17/11/2022.

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(Distillery Division), A/p-Harali,
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Sub: Interim Directions under section 33 A of the Water
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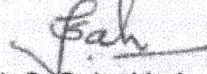
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03.11.2022.

As per NGT matter (NGT OA No. 180 of 2022) Proposed Directions issued to the industry on 01.08.2022 followed by the personal hearing extended on 03.11.2022. And following are the Interim directions issued u/s 33 A of the Water (Prevention & Control of Pollution) Act, 1974 & rule made thereunder.

1. You shall scrap the two unlined lagoons near the compost yard before starting the distillery.
2. You shall not store the effluent in unscientific way & avoid any type of trade effluent discharge into near by nalla which further leads to Hiranyakeshi River.
3. You shall operate all effluent treatment plant equipment's round O' clock, so that to achieve 100% utilization of effluent of distillery units.
4. You shall remove/scrap all bypass arrangements from the lowest slope of the compost yard which further leads to Hiranyakeshi River.
5. As per the information from the industry representative, the election of the body members will be conducted & decision regarding upgradation & compliance of the directions will be taken after the formation of body & chamber.
6. You are instructed not to start any manufacturing activity till the compliance of above points as well as directed to submit the undertaking as an assurance within one week for the same.

In case you fail to comply with the above interim directions, the Board will have no option but to issue final directions as may deem fit in your case, which may please be noted.

FOR & ON BEHALF
OF THE BOARD



(J. S. Salunkhe)
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No. MPCB/RO/KOP/ /PD/ 2208010001

Date 01/08/2022.

To,
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AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, Board Officials along with the committee constituted under the NGT Original Application No. 180 of 2022, visited your unit on 06/06/2022 for investigation and observed following non compliances.

1. You have provided three lagoons at compost yard and your industry representative was informed to abandon the existing two unlined lagoons near the compost yard.
2. You have provided two numbers of unlined lagoons for the storage of effluent in the compost yard premises.
3. During visit it was noticed that you have stored trade waste in unlined lagoon near the compost yard and overflow of the same may join nalla leading to Hiranyakeshi river during the rainy season.
4. The physical observations shows that effluent treatment plant equipment's were not in working condition.
5. You have provided the bypass arrangements from the lowest slope in to nearby nalla which further leads to river Hiranyakeshi.
6. You have not provided scientific agriculture management plan for utilization of treated trade effluent and hence the treated trade effluent joins surface drain leading to nala and Hiranyakeshi river.

7. During visit Sri. Siddaram Bhima Dhanagari resident of Harali village informed that during the crushing season the effluent is being discharged into the drain leading to the nalla and finally it joins the Hiranyakeshi river.

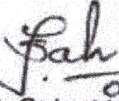
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01/08/2022
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Regional Officer,
M.P.C. Board, Kolhapur

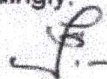
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- 2) Joint Director (Water Pollution Control) Mumbai.

Copy to:

Sub-Regional Officer, M.P.C.Board, Kolhapur

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly.



Annexure - II

Crushing Season 2024-25					
M/S Appasaheb Nalwade Gadhinglaj SSK Ltd.S.No.424 A,457,Harali,Tal-Gadhinglaj.					
JVS Results					
Date Of Sample collected on			23.01.2025	05.02.2025	28.02.2025
Sr. No.	Parameters	Standards Prescribed	ETP Outlet	ETP Outlet	ETP Outlet
1	pH	5.5 to 9	4.4	4.3	4
2	BOD	Not to exceed 100 mg/l	3800	3600	13500
3	COD	250 mg/l	8440	8920	27680
4	Suspended Solid	100 mg/l	315	83	50
5	Oil & Grease	10 mg/l	6.4	5.8	5.6
6	Chloride	600 mg/l	160.25	160.95	217.93
7	Sulphate	1000 mg/l	138.08	149.00	328.8
8	Total Dissolved Solids	2100 mg/l	3200	2000	9800

Crushing Season 2023-24

M/S Appasaheb Nalwade Gadhinglaj SSK Ltd.S.No.424 A,457,Harali,Tal-Gadhinglaj.					
JVS Results					
Date Of Sample collected on			29.12.23	25.01.24	15.02.24
Sr. No.	Parameters	Standards Prescribed	ETP Outlet	ETP Outlet	ETP Outlet
1	pH	5.5 to 9	7.5	4.4	4.4
2	BOD	Not to exceed 100 mg/l	1000	1920	2320
3	COD	250 mg/l	3280	6000	7280
4	Suspended Solid	100 mg/l	23	137	202
5	Oil & Grease	10 mg/l	5.6	5.6	7.8
6	Chloride	600 mg/l	60.83	47.89	74.98
7	Sulphate	1000 mg/l	63.80	229.00	43.36
8	Total Dissolved Solids	2100 mg/l	412	1246	1152

Stack Air Result			
Sr. No.	Date of sampling		29.12.23
	Parameters	Standards Prescribed*	Boiler
1	TPM	150 mg/Nm ³	103
2	SO ₂	3360 Kg/day	20

Crushing Season - 2021-2022

M/S Appasaheb Nalwade Gadhinglaj SSK Ltd.S.No.424 A,457,Harali,Tal-Gadhinglaj,Dist-Kolhapur.			
JVS Results			
Sr. No.	Parameters	Standards Prescribed	JVS Results Sample Collected On
			02.02.22 Outlet of ETP
1	pH	5.5 to 9	5.5
2	BOD	Not to exceed 100 mg/l	160
3	COD	250 mg/l	488
4	Suspended Solid	100 mg/l	168
5	Oil & Grease	10 mg/l	2.8
6	Chloride	600 mg/l	20.89
7	Sulphate	1000 mg/l	153.80
8	Total Dissolved Solids	2100 mg/l	882
Stack Air Result			
Sr. No.	Date of sampling		03.02.22
	Parameters	Standards Prescribed*	Boiler
1	TPM	150 mg/Nm ³	3
2	SO ₂	3360 Kg/day	11 mg/m ³