

**BEFORE THE LEARNED REGISTRAR
NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH AT PUNE
ORIGINAL APPLICATION NO. 75/2017 (WZ)**

IN THE MATTER OF:-

MR. VIJAYSINH DUBBAL AND ORS.

....PETITIONER

VERSUS

MAHARASHTRA POLLUTION

CONTROL BOARD AND ORS.

....RESPONDENTS

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RESPONDENT No. 3/FSSAI

Dated: 14.07.2022 **THROUGH**

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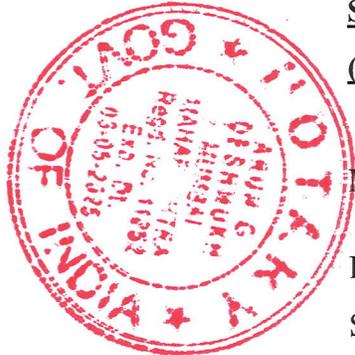
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**COMPLIANCE REPORT IN COMPLIANCE OF THE
ORDER DATED 25.02.2022 PASSED IN OA NO. 75 OF 2017
ON BEHALF OF RESPONDENT NO. 3 / MINISTRY OF
HEALTH AND FAMILY WELFARE THROUGH FOOD
SAFETY AND STANDARDS AUTHORITY OF INDIA
(FSSAI):-**

MOST RESPECTFULLY SHOWETH:

I, Dr. Krishna Methekar, aged about 55 years S/o Late Shri. Uddhavrao Methekar, working as Deputy Director, Western Region, Food Safety and Standards Authority of India ; having it's Office at Food Safety and Standards Authority of India, Unit-1202, 12th Floor, Hallmark Business Plaza, Bandra (East), Mumbai – 400051 ; do hereby solemnly affirm and stated on oath as under:-

1. That I am duly authorised to file this Compliance Report on behalf of the Respondent No. 3 / Ministry of Health and



Family Welfare through Food Safety and Standards Authority of India (FSSAI) under the directions of the Competent Authority. I am well acquainted and fully conversant with the facts of the present case. Accordingly, I am competent to swear and affirm to the present Compliance Report in discharge of my official duties.

2. That by an order dated 25th February, 2022 the subject Original Application No. 75 of 2017 was disposed of by the Principal Bench, National Green Tribunal with the following directions:-

234. Since all the individual proponents are not before us and huge exercise has to be undertaken by Statutory Regulators to give effect to this judgment, we find it appropriate to dispose of this application with the following directions:-

(a) No Cool Water Cane/Chilled Water Jar Units (Plants) or any other unit carrying on similar business with any other description or title in State of Maharashtra and in particular, Nagpur and Pune shall be allowed to continue unless the concern PP possess NOC from CGWA, Consent under Water Act 1974 from the State PCB and is complying with environmental norms prescribed under Water Act 1974, EP Act 1986 and rules, regulations and directions issued thereunder.

(b) The existing units running without complying with the environmental norms and laws and the requisite NOC/Consent/permission shall be closed forthwith and not later than one month from today. Statutory Regulators shall determine environmental compensation for illegal withdrawal of groundwater and non-compliance of other environmental norms and laws after following due process of law.

(c) Standards/norms of packaged water whether supplied in can or jar or in any other manner shall be maintained and if no such standards have been prescribed, the competent Statutory Regulators shall lay down certain standards/parameters within one month from today. So long other standards are not prescribed, the BIS standards shall be followed.

(d) CPCB and CGWA in co-ordination would constitute Committees in different States to check and control similar activities if carrying on in other States and take appropriate measures complying the directions issued above in respect of State of Maharashtra.



(e) *The Statutory Regulators would also take other remedial and punitive measures as provided under law.*

(f) *Compliance reports by respective bodies/authorities shall be submitted as on 30.06.2022 by 15.07.2022 with Registrar, NGT, Pune Bench. If any, further directions are required Registrar shall place the matter before Tribunal.*

235. *With the above directions, this OA and all pending I.A.s are disposed of.*

3. In this regard it is pertinent to submit and bring on record various already existing provisions related to Drinking Water prescribed under Food Safety and Standards Regulations as follows:-

a. *Standards of "Mineral Water", "Packaged Drinking Water (Other than Mineral Water)" and "Drinking Water (Purified)" have been prescribed under Sub-regulation 2.10.7, 2.10.8 and 2.10.9 respectively, of the Food Safety and Standards (Food Product Standards and Food Additives Regulations, 2011).*

b. *Sub-Regulation 2.3.14.17 of the Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011 provides:-*

"No person shall manufacture, sell or exhibit for sale packaged drinking water except under the Bureau of Indian Standards Certification Mark".

c. *Sub-Regulation 4(4) of the Food Safety and Standards (Packaging) Regulations, 2018 provides:-*

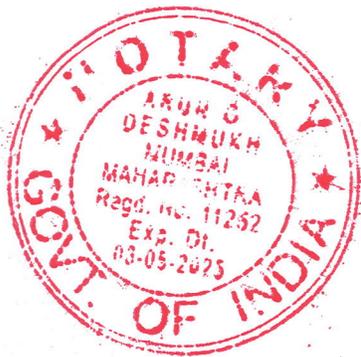
(4) Plastic materials intended to come in contact with food products-

(a) Plastic materials used for the manufacturing of containers for packing or storing the food products shall conform to either of the Indian Standards specifications as provided in Schedule – III:

Provided that Drinking Water (both Packaged and Mineral Water) shall be packed in colourless, transparent and tamper-proof bottles or containers made of polyethylene (PE) conforming to IS: 10146 or polyvinyl chloride (PVC) conforming to IS: 10151 or polyalkylene terephthalate (PET and PBT) conforming to IS: 12252 or polypropylene (PP) conforming to IS: 10910 or food grade polycarbonate conforming to IS: 14971 or polystyrene conforming to IS: 10142 or sterile glass bottles only."



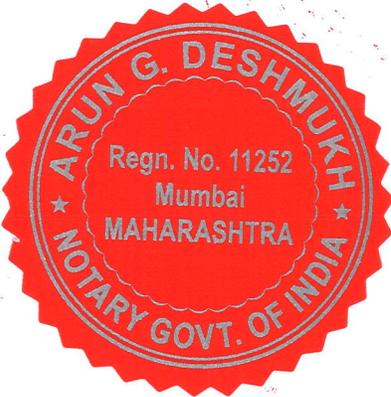
4. It is further pertinent to submit that all the Food Business Operators selling/manufacturing the above products have to obtain license/registration under the Food Safety and Standards Act, 2006 as well as BIS certification wherever applicable and they have to comply with the provisions prescribed under the Food Safety and Standards Regulations.
5. It is further submitted that all enforcement activities are to be carried out by the State Food Departments for all Food Business Operators who are either licensed or registered with the State Licensing Authority under the Food Safety and Standards Act, 2006.
6. It is respectfully submitted that in view of the above mentioned existing statutory framework and regular steps taken for enforcement of the existing mandate of legal provisions as stated above; the present Compliance Report in compliance of the order dated 25.02.2022 in the subject Original Application No. 75 of 2017 may please be taken on record.



VERIFICATION :

Verified at Mumbai on this 15th day of July, 2022 that the contents of the present Report by way of an Affidavit are true

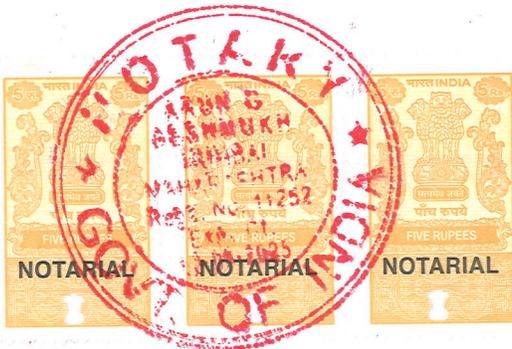
and correct to the best of my knowledge derived on the basis of the official records and nothing material has been concealed therefrom.



Arish,
DEPONENT

BEFORE ME

ARUN G. DESHMUKH
REGD. No. 11252 B.Com., LL.B.
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
Office : Shop No. 1, Vinayak Darshan, Apartment,
Ganesh Peth lane, Dadar (W), Mumbai - 400 028.



NOTAR. REGISTER ENTRY
Sr No. 9799 Page No. 80
Date 15/07/2022

