

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

APPLICATION NO. OF 2019

in

EA NO: 58/2016(WZ), & M.A NO. 274/2016

in

ORIGINAL APPLICATION NO. 68/2014(WZ)

In the matter of :

Godavari Bio Refineries Ltd and Ors.

Applicant

Versus

Ashok Gabaji Kajale and Ors.

Respondent

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P.K Mishra

Scientist 'E'

Central Pollution Control Board

Date : 03.11.2020

Place: Delhi

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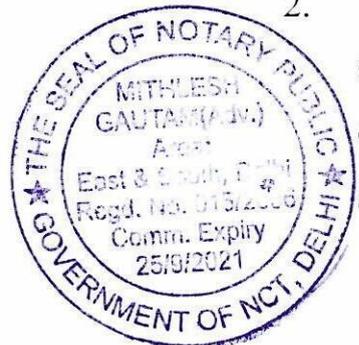
Respondent

**Counter Affidavit on behalf of Central Pollution Control Board,
Respondent No.2**

I, Pradeep Kumar Mishra, S/o Shri B. D Mishra aged about 56 years working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032 do hereby solemnly affirm and declare as under:

2. That, I, in capacity of Scientist 'E' of the Central Pollution Control Board (hereinafter referred to as CPCB), am fully conversant with the facts of the case and hence, competent to swear this Affidavit on behalf of the Respondent No. 2.

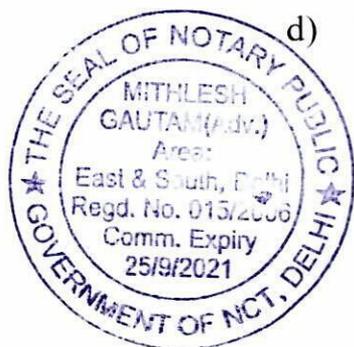
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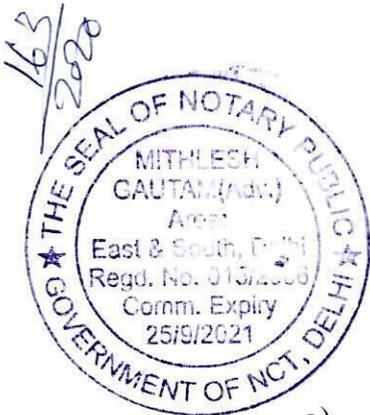
Brief Submissions

3. That, the Hon'ble National Green Tribunal (hereinafter referred to as NGT) vide orders dated 19.05.2015, 01.08.2017 and 29.09.2017 in the matter of O.A No. 68/2014 & E.A No. 58/2016, had directed for carrying out the following major works with respect to the remediation of contaminated soil and Ground water near to the premises of the Distillery unit operated by M/s Godavari Bio-refineries Ltd., Ahmed Nagar, Maharashtra;

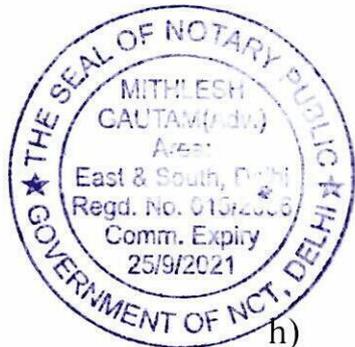
- a) Prepare a ground water remediation action plan in the area of 2 km from the industry location, including methodology, cost and time bound action plan, techniques for verifying its adequacy.
- b) To examine the comparative merits and demerits of the approach suggested by them along with Prof. C.R. Babu's recommendations and come out clearly with the appropriate approach for remediation.
- c) CPCB shall issue work order to Prof. C.R. Babu, CEMDE for execution of the bio remediation project, as per the proposal submitted.
- d) The District Collector, Ahmed Nagar shall release and make available the required funds for bearing the total project cost quoted by Prof. C. R. Babu to CPCB from the funds already deposited by the Industry.



- e) Civil Work necessary for the project shall be completed on or before 30th August, 2017. The entire project shall be completed on or before 31st December, 2019.
4. That in compliance to the above directions of Hon'ble NGT, Central Pollution Control Board had initiated and completed the following actions;
- a) CPCB invited proposals at National Level from experienced consultants for two specific assignments of remediation project, that is (a) Measures to provide immediate containment and relief to water quality of two effected wells (Assignment-I) and (b) Preparation of DPR for the overall remediation of contaminated ground water (Assignment-II).
- b) CPCB completed technical evaluation of the received proposals and shortlisted the consultants. The District Collector, Ahmed Nagar was requested to open financial bids, since funds provided to Collector's account by Hon'ble NGT. The committee constituted by the District Collector decided that the financial bids may be opened by CPCB, due to the lack of expertise.
- c) CPCB approached the Hon'ble tribunal for appropriate order for opening the financial bids and placing work order on qualifying parties, either by CPCB or Maharashtra SPCB, who were involved in the technical evaluation of proposals.



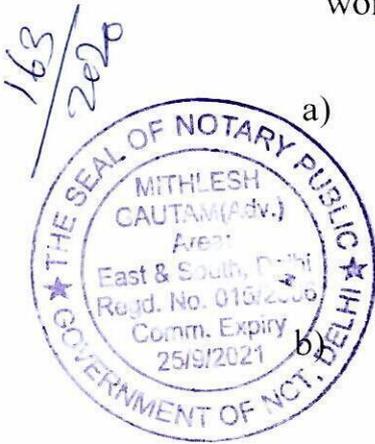
- d) Meanwhile the proposal for bio remediation submitted by Prof. C. R. Babu was examined and views were submitted before the Hon'ble Tribunal.
- e) As directed by the Tribunal, letter of agreement/work order for the execution the project "Bioremediation of Contaminated Soils, Soils + Sludge and Surface Water and Remediation of Ground water of De-sludge refilled Lagoon of Distillery Spent wash of M/s Godavari Bio-refineries" was signed between CPCB and CEMDE, University of Delhi on 05.09.2017.
- f) The inception report and the first quarterly progress report on the work done in the project submitted by Prof. C. R. Babu in the meeting held 24.11.2017 was examined and the same has been submitted before this tribunal vide affidavit dated 28.11.2018.
- g) The second quarterly progress report along with the Hydro Geological and Geophysical study report of the project area prepared by Dr. Suresh Pawar, Director, Dr. Suresh Pawar's Bhoojalshree Hydro Geotech, submitted by Prof. C.R. Babu vide letter dated 26.03.2018 was examined and was submitted vide affidavit dated 19th June, 2018.



- h) Thereafter CPCB has regularly submitted quarterly progress reports for the periods, April – July, 2018, August – October, 2018, November, 2018 – January, 2019 and February – April, 2019, May, 2019 – July, 2019, August, 2019-October, 2019 based on the reported progress made

in the execution of project by Prof C. R Babu, CEMDE in the form of affidavits.

5. That in the meanwhile, Prof. C. R Babu vide his letters dated 13.08.2019 and 20.12.2019 has requested CPCB for the extension of time duration for the execution of the project beyond 31st December, 2019, i.e completion date as directed by the Tribunal and prescribed in the letter of agreement signed between CPCB & Center for Environmental Management of Degraded Ecosystem (hereinafter referred to as CEMDE). He has requested for further extension of two years and provided the justification that the original project duration, as per the proposal submitted before the Hon'ble Tribunal and CPCB was for 3 years. He has further listed out some of the remaining works to be completed in the project, as given below;



- a) 1/4th of lagoon area (total area of 54 hectares) is still to be decontaminated from contaminated surface soils and soil + sludge;
- b) high density plantation has yet to be carried for decontamination of deep layers of contaminated soil and soil + sludge, about 1/3rd of lagoon area requires high density plantation of deep rooted tree species that selectively absorb the red coloured pollutants;
- c) the plantation carried out is just 2-year old and requires continuous monitoring for growth at least for another 2 years;

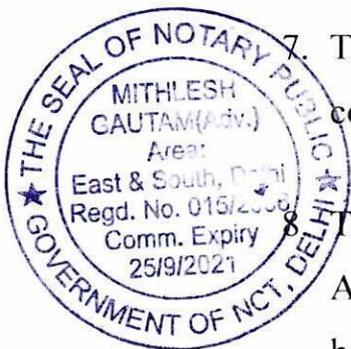
- d) the flushing out of contaminated ground water in 32' deep aquifer is not yet fully achieved.
6. That the CPCB had examined the request received from Prof. C.R. Babu for extension of time for completion of the project and considering activities to be completed, CPCB agreed that extension of time-line for the execution of the project further by two years from the original date of completion, i.e upto 31st December, 2021 can be acceded, considering the fact that the original project duration as per the proposal submitted by Prof. C.R. Babu was for 03 years and the Letter of Agreement between CPCB and CEMDE was signed on 05.09.2017. Prof. C.R. Babu, CEMDE, Project consultant, has reported progress in the bio-remediation of contaminated Soils, Soils + Sludge and Surface Water and Remediation of Ground water and it shall be essential to complete the remaining works for obtaining the expected outcome and sustainable results from the remediation project.

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Parawise Reply

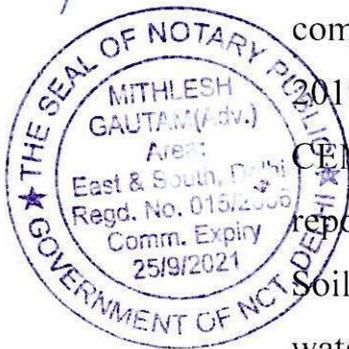
7. That the averments contained in Paras 1 to 3 needs no comments from this Answering Respondent No.2.

8. That in reply to averments contained in Paras 4 to 6, this Answering Respondent submits that quarterly progress reports have been submitted regularly before the Hon'ble Tribunal stating the reported progress made in the execution of project. As per the reports submitted by Prof. C. R. Babu, CEMDE supported by analysis results, progress has been achieved in the



remediation of contamination in the soil, soil + Sludge matrix and surface water and ground water decontamination. The remaining works, as reported needs to be completed for obtaining the expected outcome and sustainable results from the project.

9. That in reply to averments contained in Paras 7 and 8, this Answering Respondent submits that the original project duration as per the proposal submitted by Prof. C.R. Babu, CEMDE was 03 years. This Tribunal, vide order dated 01.08.2017 had directed that CPCB shall issue work order to CEMDE and the entire project shall be completed on or before 31st December, 2019. Accordingly, the time duration for completion of the project was specified as 31st December, 2019 in the Letter of Agreement signed between CPCB and CEMDE on 05.09.2017. Prof. C. R. Babu, CEMDE has reported progress in the bio remediation of contaminated Soils, Soils + Sludge and Surface Water and Remediation of Ground water. Considering the needed remaining works, stated above in brief submissions, for obtaining the expected outcome and sustainable result from the remediation project, this Respondent, CPCB is of the view that a time extension of two years from the date of completion of the project as directed by the Hon'ble Tribunal, i.e upto 31.12.2021 may be acceded on the basis of the grounds as detailed in above paras.



10. That in view of the above submissions, the Answering Respondent No.2, CPCB submits that CPCB shall abide by any directions or orders passed by this Hon'ble Tribunal.

DEPONENT

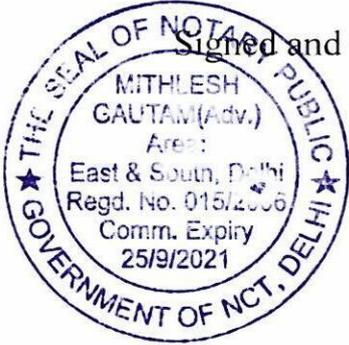
VERIFICATION

It is verified that the content of this Affidavit is based on official record and information available in the office are true and correct.

16/11/2020

Nothing has been concealed therein.

Signed and verified on this 03rd day of November, 2020 at Pune.



DEPONENT

I Identify the deponent who has signed in my presence.

CERTIFIED THAT THE DEPONENT
Shri/Smt./Mm. Paadeep K. Mishra
S/o. B. D. Mishra
Identified self at Delhi
has signed self on 13 NOV 2020
that 13 NOV 2020 document which
have been self to him/her
are true self knowledge.
M. Gaur
Notary Public-Karkardooma Court, Delhi

13 NOV 2020