

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

Original Application No. 01 of 2025

Ankush Rangnath Kale ... APPLICANT

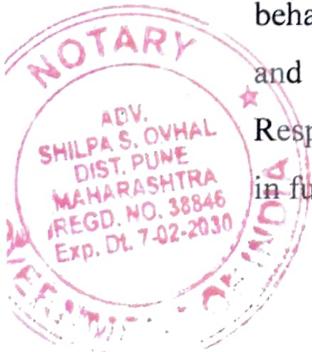
VERSUS

Union of India and Another. ... RESPONDENTS

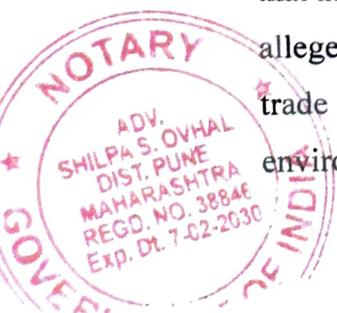
Interim Affidavit in Reply to the Original Application
on behalf of Respondent No. 6

I, Sanjay Thakuji Gonde, Age: 55 years, Occupation: Government Service, presently working as Regional Joint Director (Sugar) Ahilyanagar, being authorised on behalf of the Respondent No. 6 herein, do hereby state on solemn affirmation as follows:

1. I say that I am duly authorized by the Respondent No. 6 vide Letter dated 04/04/2025, and that I am fully conversant with the facts of the present case derived from the official records available with the Respondent No. 6, and hence with the facts of the present case to that extent.
2. I say and submit that that the present Interim Reply is being filed on behalf of the Respondent No. 6 on the grounds of maintainability only and that the same is being filed without prejudice to the rights of the Respondent No. 6 to file detailed Reply in the above matter, if required in future.



3. At the outset I say that the entire contentions, allegations and submissions made in the captioned Original Application are denied in toto, and that nothing in the present Interim Affidavit Reply should be treated as admission of the contents of the Original Application, unless the same has been done specifically.
4. I state that the captioned original application i.e. Original Application no. 1 of 2025 (Hereinafter for sake of brevity may kindly be referred to as 'Present Original Application') is filed by applicant for inter alia seeking closure of the Sugar Factory of Respondent – PP, and the restitution and restoration of environment and ecology damaged due to the illegal establishment and operations of industry by violating terms and conditions of environment clearance and consent and relief against gross international violation of the various environmental rules and regulation and pollution control laws by Respondent no. 9 i.e. Loknete Marutrao Ghule Patil Dnyaneshwar Sahakari Sakhar Karkhana Ltd.
5. I state that, the Role of the Respondent No. 6 (i.e. Sugar Commissioner's Office) is to function as the administrative regulatory authority for cooperative and private sugar factories in Maharashtra under the provisions of the Sugarcane Control Order 1966 along with the other State Regulations, and therefore its functions are mainly limited to planning the sugar season, issuing crushing licenses, FRP related inspections and recovery, and production management of the factories.
6. I state that upon perusal of the captioned Original Application, it appears that the primary contentions raised by the Applicant are pertaining to the alleged illegal actions of the Respondent – PP in discharging untreated trade effluent and spent wash, thereby committing violation of various environmental enactments. Therefore, in consideration of the aforesaid I

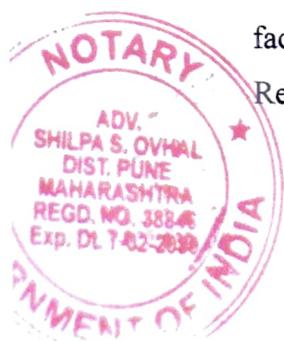


state and submit that the Respondent No. 6 does not exercise any administrative and / or adjudicatory control over the Sugar Factories in the state of Maharashtra, when it comes to environmental violations and hence, I submit that the Respondent No. 6 has limitations on its authorities / powers regarding environmental control.

7. I say and submit that the appropriate authority to control and enforce such pollution has been envisaged and formed under the Environment Protection Act, 1986 and accordingly the Maharashtra Pollution Control Board (MPCB) and the Environment Department, Government of Maharashtra has been established are empowered under the said Act to act as the Implementing Agency and to exercise its supervisory role under various statutes including but not limited to the Water (Prevention and Control of Pollution) Act, 1974.

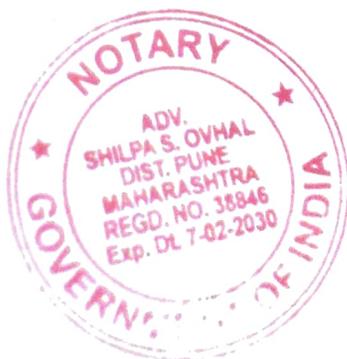
8. I state that, at the time of granting of the crushing license by the Respondent No. 6, the Authority verifies the whether the said sugar factory has obtained the valid and requisite licenses from MPCB, and accordingly, it was communicated by the Respondent no. 9 sugar factory that it has obtained the consent to operate for sugar cane crushing capacity 9000 TCD & 31.5 MW Cogeneration unit, under RED category for season 2024-25 from MPCB by dated 22 July 2024. Office of the Commissioner of Sugar has not given any illegal benefit to the factory or encouraged environmental violations.

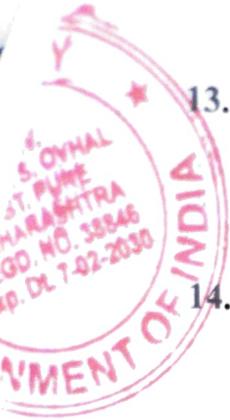
9. I state that the as per the prescribed procedure, the Respondent No. 6 grants the crushing licenses to sugar factories only if the said sugar factory has obtained valid licenses from MPCB. Accordingly, the Respondent No. 9 sugar factory had obtained consent to operate for sugar



cane crushing capacity of 9000 TCD & 31.5 MW Cogeneration unit, under RED category for season 2024-25 from MPCB by dated 22 July 2024. I also submit that as per the Crushing License issued by the Respondent no. 6 Authority, , it is solely the responsibility of Licensee i.e. the Sugar Factory to make all necessary compliances in respect of all applicable Environments Laws, and hence it is false and incorrect to state that the Office of the Commissioner of Sugar has given any illegal benefit to the factory or encouraged environmental violations.

10. I further state that, Respondent No. 6 while approving the project expenditure for expansion and modernization of Respondent No. 9 sugar factory distillery and ethanol project, in the letter dated 02.12.2022, condition No. 7 in the terms and conditions has stated that the rules of the Ministry of Environment, State Excise Department, Maharashtra Pollution Control Board and other prevailing rules and regulations should be strictly followed while setting up the project.
11. I state that, having received a complaint regarding pollution of the said sugar factory, this office has sent a clarification notice to the factory and also after receiving an application regarding pollution from the factory's distillery, the application has been sent to the concerned authority for appropriate action.
12. I state that, the Sugar Commissioner's Office has no direct responsibility in this matter. The office acts in an advisory and coordinating role with respect to environmental matters, and does not have the authority to take direct enforcement or punitive action.





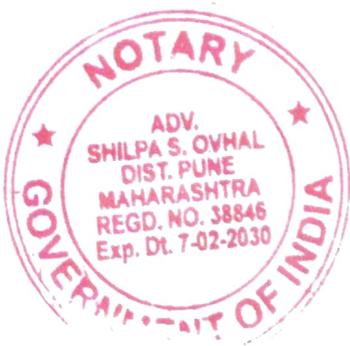
13. I state that, this office is aware of the need to avoid violating environmental regulations and is ready to cooperate with the MPCB or the Environment Department in relevant matters.

14. In view of the aforementioned facts and circumstances and especially considering the fact that there are no specific reliefs sought against the Respondent No. 6 herein, the present Original Application is not maintainable against the answering Respondent and hence the same shall be deleted from the cause title of the present Original Application.

I am stating all the above information based upon the information derived from the official records, which I believe it to be true and correct.

Dated this 10th July 2025 at Pune

For and on behalf of R.No.6



BEFORE ME
Shilpa
ADV. SHILPA S. OVHAL
NOTARY, GOVT. OF INDIA
PUNE DIST.
REG. No. 38846
10 JUL 2025

Sanjay Thakuji Gonde
(Sanjay Thakuji Gonde)
Regional Joint Director

VERIFICATION

I, Sanjay Thakuji Gonde, Regional Joint Director hereby verify the contents of Para 1 to 14 are true and correct to the best of my knowledge and belief. All Annexures thereto are true office copies and true translation thereof as per office record.

For and on behalf of R.No.6

Sanjay Thakuji Gonde
(Sanjay Thakuji Gonde)
Regional Joint Director

