



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, DELHI  
OA NO 180 OF 2022**

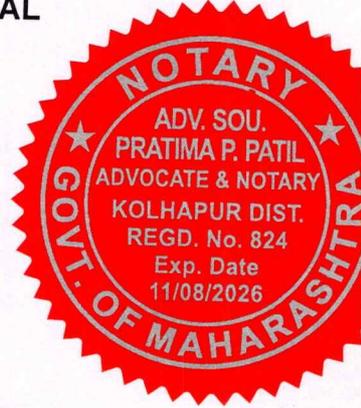
Shahu Shivaji Mokashi

.... Applicant

Vs

State of Maharashtra and Others

... Respondent



**Affidavit in Reply on behalf of MPCB in compliance of the Order dated 08.07.2022**

I, Jagannath Shankar Salunkhe, aged about 53 years, occupation-service, as the Regional Officer, Maharashtra Pollution Control Board at Kolhapur having my office at Udyog Bhavan, Near Collector Office, Kolhapur- 416002. I am filing this affidavit on behalf of the Respondent do hereby state on solemn affirmation as under.

I am working as the Regional Officer, Kolhapur with the Maharashtra Pollution Control Board w.e.f. six month. I am well conversant with the facts and circumstances of the case as well as the record of the case lying in my office, I am filing this Affidavit only with a limited purpose of bringing on record true facts of the case.

1. I say and submit that committee constituted as per the Hon'ble NGT Order dtd. 18.04.2022 has visited the site and submitted the report to Hon'ble NGT. Also as per the Hon'ble NGT Order Board has issued Directions to M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., (Call with Brisk Facilities Ltd.-Sugar Unit), A/p-Harali, Tal. Gadhinglaj, Dist. Kolhapur on 01.08.2022 for following non compliances,

- The physical observation during the visit shows that effluent treatment plant equipment's were not in working conditions.

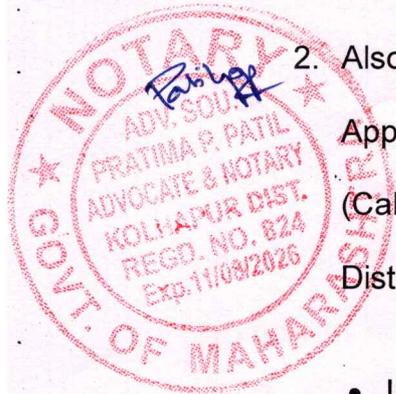
Number of Corrections  
on this page. Nil

- Industry has provided bypass arrangements from the ETP and were instructed to remove all bypass arrangements during the visit.
- During visit it was noticed that industry 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.
- Industry has 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.
- Industry has 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.

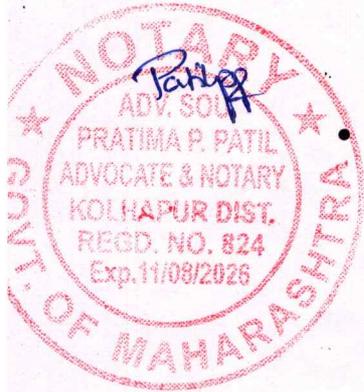
A copy of said Directions dated 01.08.2022 is enclosed and marked as an **Annexure "A"**.

2. Also as per the Hon'ble NGT Order Board has issued Directions to M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., (Call with Brisk Facilities Ltd.-Distillery Unit), A/p-Harali, Tal. Gadhinglaj, Dist. Kolhapur on 01.08.2022 for following non compliances,

- Industry has provided three lagoons at compost yard and the industry representative was informed to abandon the existing two unlined lagoons near the compost yard.
- Industry has provided two numbers of unlined lagoons for the storage of effluent in the compost yard premises.
- During visit it was noticed that industry 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.



- The physical observations shows that effluent treatment plant equipment's were not in working condition.
- Industry has provided the bypass arrangements from the lowest slope in to nearby nalla which further leads to river Hiranyakeshi.
- Industry has 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.
- 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.



A copy of said Directions dated 01.08.2022 is enclosed and marked as an **Annexure "B"**.



I say and submit that **M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., (Call with Brisk Facilities Ltd.-Sugar Unit), A/p-Harali, Tal. Gadhinglaj, Dist. Kolhapur & M/s. Appasaheb Nalawade Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd., (Call with Brisk Facilities Ltd.-Distillery Unit), A/p-Harali, Tal. Gadhinglaj, Dist. Kolhapur** are located at a distance 0.82 km ( approximately) from the Hiranyakeshi river & 28.4 Km ( approximately) from the Nagnur Barrage.

**Solemnly affirmed as on 13<sup>th</sup> day September 2022.**

*Sri Jagannath S Salunkhe*

I solemnly affirm that  
my name & I have signed the affidavit  
put L.H.T.I. & that the contents of my  
affidavit are true

*J.*  
Deponent

*Pratima P. Patil*  
Notary

*Pratima P. Patil*  
**SOU. PRATIMA P. PATIL**  
Advocate & Notary  
C.S.No.2335, Narayan Complex,  
Near Shaniwar Post Office, Kolhapur.  
Mob. 9422047545/73851570

*Jagannath S Salunkhe*  
(Jagannath S Salunkhe)  
Regional Officer-Kolhapur  
Notary Regl. Sr. No. 1376

Number of Corrections

22/09/2022

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

Tel. No. (0231) 2652952,  
2660448  
Fax No. (0231) 2652952  
E-mail:  
rokolhapur@mpcb.gov.in



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.

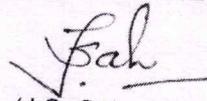
AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various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



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

Tel. No. (0231) 2652952,  
2660448  
Fax No. (0231) 2652952  
E-mail:  
rokolhapur@mpcb.gov.in



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

No. MPCB/RO/KOP/ /PD/ 2208010001

Date 01/08/2022.

To,  
M/s. Appasaheb Nalawade G.T.S.S.K.Ltd., Harali,  
Collaboration with Brisk Facilities Pvt. Ltd.,  
( Distillery 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. 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.

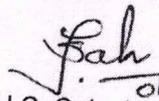
AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various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

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the 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

  
01/08/2022  
(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.

