

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN BENCH, NEW DELHI**

O.A. NO. 14 OF 2025

Kailas Narke

.... Applicant

Versus

Maharashtra Enviro Power Ltd. & 10 Ors.

...Respondent(s)

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NdoH: 23.01.2026

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DATE: 22.01.2026

PLACE: Pune

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**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE SUR
REJOINDER DATED 24.09.2025 AND ADDITIONAL AFFIDAVIT DATED
21.01.2026 FILED ON BEHALF OF THE RESPONDENT No. 2 &
RESPONDENT No. 3 (MPCB)**

MOST RESPECTFULLY SHEWETH:

1. That this Hon'ble Tribunal is presently seized of the Original Application No. 14 of 2025 wherein serious concerns have been raised about the unabated discharge/seepage of polluted water from "M/s Maharashtra Enviro Power Ltd." (hereinafter referred as "**Respondent No. 1**") operating its Common Hazardous Waste Treatment, Storage and Disposal Facility (hereinafter referred as "CHWTSDF") at Plot No. P-56, Ranjan Gaon, MIDC, Taluka Shirur, Dist. Pune, Maharashtra in sheer and utter violation and disregard of the environmental laws of the land more particularly Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment Protection Act, 1986 thereby causing serious pollution in the surrounding areas thus damaging the quality of air, water, soil and ground water resources in the nearby areas and also causing an adverse impact on the health of nearby residents.
2. That the CHWTSDF was established as a facility on 27.10.2005 without prior environmental clearance (EC) of the Captive Power Plant which is an integral part of the facility, despite there being a specific requirement of the same as per the Environmental Impact Assessment (EIA) Notification 1994 read with the

amended EIA Notification of 1997. Further, the Rapid Environmental Impact Assessment (REIA) was conducted prior to setting up this Facility by the Regional Research Laboratory CSIR, Bhopal in May 2005, wherein the water quality of region, including groundwater and surface water during winter season were assessed for selected environmental parameters, the physical parameters were found to be normal, but subsequently huge degeneration has been noticed in those parameters.

3. That a Sur Rejoinder dated 24.09.2025 was filed by the Respondent No. 2 & 3 (MPCB). The Applicant herein sought the liberty to file objections to the said Sur Rejoinder. Further, this Hon'ble Tribunal vide order dated 25.09.2025 had deferred the Applicant's prayer for constitution of an independent committee to inspect the site, granting time to first hear Respondent No.1 on the issue and directed Respondent No. 2 and Respondent No. 3 to file an additional affidavit indicating details of non-compliances by Respondent No.1, the period of such violations, and their rectification, for the purpose of quantification of Environmental Damage Compensation (EDC).
4. That this Hon'ble Tribunal on 25.09.2025 also recorded the Applicant's submission that the Respondent No.1 was operating the CHWTSDF facility without Environmental Clearance till 2019 and this Hon'ble Tribunal had sought a reply from Respondent No.1 on the said issue.
5. That further on the last date of hearing i.e. 03.12.2025 this Hon'ble Tribunal took on record the Additional Reply dated 01.12.2025 on behalf of the Respondent No. 1 and had granted the Applicant a last opportunity to file the objections to the MPCB report. Further the Respondent No. 2 and Respondent No.3 has also been granted one week to file additional reply. Thereafter, the Additional Reply dated 21.01.2026 was filed by the Respondent No. 2 and 3.

6. That the present Objections/Reply are being filed on behalf of the Applicants to the Sur rejoinder dated 24.09.2025 as well as Additional affidavit dated 21.01.2026 on behalf of the Respondent No. 2 and Respondent No. 3, in terms of the liberty granted by this Hon'ble Tribunal vide Order dated 25.09.2025. In the said Sur Rejoinder the MPCB has sought to portray itself as having fully complied with the directions of this Hon'ble Tribunal and having effectively discharged its statutory duties. However, the Applicant respectfully submits that such portrayal by the MPCB is contrary to the record, inconsistent with the long history of complaints, inspections, violations, and regulatory inaction, and seeks to mask serious lapses in enforcement, monitoring, remediation, and prosecution, despite repeated admissions of pollution by statutory authorities themselves.
7. That the Applicant seeks to place on record its Preliminary Objections and submissions, before submitting its para wise reply on merits, which in the humble opinion are crucial for a holistic adjudication of the present Application.

PRELIMINARY OBJECTIONS

8. That the Applicant herein has filed the Rejoinder dated 21.04.2025 in which he has outrightly objected the preliminary affidavit dated 02.04.2025 filed by the Respondent No. 2 (MPCB) for being silent about the action taken for the pollution already caused to the environment for several years and therefore requested this Hon'ble Tribunal that Respondent No. 2 may be directed to file a detailed Affidavit.
9. That this Hon'ble Tribunal thereafter recorded the objections of the Applicant to the Affidavit dated 02.04.2025 in following terms in the Order dated 23.06.2025 and granted two weeks' time to file the Sur-Rejoinder: -

“4. Against the reply affidavit of Respondent Nos.2 & 3- MPCB, learned counsel for the applicant has filed rejoinder affidavit dated

21.04.2025, pointing out therein that the MPCB has not given any of the supporting analytical reports of the samples collected from time to time; no substantive actions including stoppage of serious air, water and soil pollution caused in the surrounding area have been initiated; no regular monitoring being done to ensure for the effective implementation of Hazardous and Other Waste (Management and Transboundary Movement) Rule, 2016; the non-compliance period continues till the Katcha Pond is completely removed, etc. In this regard, learned counsel for Respondent Nos.2 & 3- MPCB wants to file Sur-Rejoinder affidavit, for which we grant her two weeks' time, as prayed.”

10. That vide Order dated 22.07.2025 additional time of two weeks was granted to the MPCB to file the Sur-rejoinder. Further, Respondent No. 2(MPCB) has submitted that the unit of Respondent No. 1 would be visited within two weeks and it would be ensured that all the infirmities, which were noted in the affidavit of Respondent No. 11-CPCB dated 02.07.2025 would be taken care of.
11. That the present Sur-Rejoinder is in fact only a compliance report without responding to the observations or submissions as recorded by this Hon'ble Tribunal in its Order dated 23.06.2025, or the averments of the Applicant in its Original Application along with Compliance Affidavit dated 04.02.2025, Written Argument dated 06.02.2025, Submissions by Applicant dated 17.03.2025 and Rejoinder dated 21.04.2025. The Applicant, vide rejoinder dated 21.04.2025, has submitted that MPCB is silent on action taken for the violations that the unit is doing since last several years, it is silent on the inaction on prosecution in the Complaint Case No, R.C.C/404179/2015 dated 02.11.2015 in the case titled “*Maharashtra Pollution Control Board vs. Maharashtra Enviro Power Ltd*”

filed in the year 2015 against the unit, which also remained unanswered in the present Sur-Rejoinder. Aforesaid case is still on the stage of Compliance only which shows negligence of MPCB to proceed in the case. Thus, the present sur-rejoinder is nothing short of hiding the inefficiency of the Respondent No. 2, in controlling the pollution, and to restore or remediate the environment loss that already had occurred.

MPCBs INACTION AND RELUCTANCE TO ACT-UNEXPLAINED!

12. That as per the Sur-Rejoinder dated 24.09.2025, the MPCB has inspected the Respondent No. 1 unit on 06.08.2025 and as per the submissions in the affidavit, MPCB has only given the factual details about the unit, without even submitting any reports or documents or photographs to corroborate the same. Further, not an iota of discussion about the previous environmental violations by the Unit and the Action taken for such violations.
13. That the MPCB has itself mentioned that the construction of wall is in progress to arrest the seepage outside the unit premises, but had cleverly avoided to mention anything about the situation within the premises. It is obvious that if the polluted water is flowing without any hinderance within the premises then it will pollute the ground water, which is in fact the main contention of the Applicant herein.
14. That, further the MPCB has mentioned about the locations from where it had collected the water samples for testing, but without submitting any details of test report of these samples along with the Sur-rejoinder.
15. That, MPCB has also submitted the compliance regarding the observation in the CPCB inspection done on 13.08.2024 and 14.08.2024 through this Sur-Rejoinder. It is humbly submitted that the CPCB vide letter dated 12.09.2024 has directed the MPCB to provide action taken report regarding the violations

observed during the inspection of CPCB on the above-mentioned dates. But, MPCB in total dereliction of its duty has not only ignored the letter dated 12.09.2024, but in-fact through this Sur-rejoinder has also not suggested any Action taken for the environmental violation being committed for the last several years. The Sur-Rejoinder does not disclose: Whether any SCN culminated in any final action, whether any environmental compensation was actually imposed or recovered. That mere issuance of directions without follow-up enforcement leads to the entire regulatory mechanism is at best illusionary.

16. That the Respondent No. 2 & Respondent No.3 is a statutory authority entrusted with the primary responsibility of prevention, control and abatement of pollution, including monitoring compliance, initiating coercive action, issuing binding directions, imposing environmental compensation and ensuring restoration of degraded environment. Instead of acting as a strict regulator for such serial violators such as the Respondent No 1, the Respondent No. 2 & Respondent No. 3 have acted as a passive spectator. The Sur-Rejoinder dated 24.09.2025 discloses that the Respondent No. 2 & Respondent No.3 has confined itself to issuing show cause notices, conducting belated inspections, without enforcing consequences for non-compliance. That the record shows that MPCB issued Show Cause Notices and Directions on various occasions between 2013-2025, yet at no point did it order closure of the unit, suspend operations, impose environmental compensation, or prevent further pollution. This clearly shows that there is more than what meets the eye and such conduct may be strictly dealt with by this Hon'ble Tribunal.

17. Thus, in view of the above submissions, it is clear that the Maharashtra Pollution Control Board in the present case has been acting in violation of the Water Act, 1974 and also indirectly helping the Respondent No. 1 to play with the lives of the nearby residents in violation of Article 21 of the Constitution of India.

**SPECIFIC OBJECTIONS/REPLY ON THE CONTENTS OF SUR-
REJOINDER DATED 24.09.2025**

18. That in response to para 1 of Sur-Rejoinder it is respectfully submitted that the MPCB submissions regarding compliances by Respondent No.1 is false, misleading and contrary to the record. The said order required the regulator to ensure that pollution is effectively arrested, infirmities pointed out by statutory authorities are addressed, and that environmental damage is prevented and remedied. However, even after the said order and the assurance given by the MPCB on 23.06.2025 before this Hon'ble Tribunal, no adequate submissions have been made regarding the objections pointed out by the Applicant in Rejoinder dated 21.04.2025. Further, the pollution indicators continued to be present, as admitted by MPCB itself in its visit report dated 06.08.2025, which records discoloration of water in Pazar Talav and downstream wells. The mere fact that the regulator continues to issue notices and directions cannot be equated with compliance when the fundamental object of the directions namely, prevention of pollution and protection of the environment remains unfulfilled. The Applicant further submits that compliance must be judged by outcomes on the ground, not by paperwork. Since contaminated water continues to be observed, and groundwater contamination recorded by CPCB in August 2024 has not been demonstrably reversed, and since no restoration has been undertaken, the claim of compliance is illusory.
19. That in response to the contents of Para 2(2) (I-IX) it is submitted that the visit was limited to recording present operational status and did not address historical violations, long-term contamination, or environmental damage already caused. The CPCB had recorded breaches of lined drains, seepage beneath compound walls, discharge of contaminated water into natural drains leading to Pazar Talav, and contamination of surface and groundwater with hazardous parameters

including high TDS, COD, hardness, fluoride, sulphide and cyanide. The visit report of 06.08.2025 did not examine the extent, duration or cumulative impact of these infirmities, nor does it assess damage to groundwater, agricultural lands, livestock or public health, thereby failing to comply with the purpose of the Tribunal's direction dated 22.07.2025. Further all the compliances mentioned in the Sur-Rejoinder are either temporary or in progress, may be made only for the purpose of visit of the MPCB. This can also be corroborated by the fact that unit is still discharging the polluted water despite being the Zero Liquid Discharge condition made applicable post 2019. The true copy of recent photographs depicting discharge of polluted water is marked and annexed as **ANNEXURE A/1**.

20. That in response to the contents of para I-IV, under the heading "Observations outside the facility", it is categorically mentioned about the stagnated pool of water at various locations leading to Pazar Talav, Nimgaon Bhogi. Further the water in Pazar Talav, well water and natural nala all have the pale yellowish or brownish color, suggesting contamination of water, but MPCB, did not find it important to find the reasons behind this pale yellowish or brownish water or its impact on the nearby villages.
21. That in response to the contents of para (unnumbered) regarding the details of locations from which the water samples were collected for testing, it is submitted that the test reports are not annexed to show the status of various parameters/or standard of the surrounding water, whether it is fit for drinking or not. The Groundwater Surveys and Development Agency (Respondent No. 8) in its reply dated 02.12.2025 (*Para 5 & 6, Pg, 1289 read with Annexure-4 (Colly), Pg 1309-1316*) has supported the submissions of the Applicant that the water in the nearby villages and locality of the Respondent No. 1 unit has become unfit for drinking. All these observations suggest only one thing that is contamination of water due

to the long-lasting pollution occurring from the unit of Respondent No. 1 and that such unit should be closed down permanently. The Hon'ble Supreme Court has in a catena of cases either confirmed or closed down such units which have been serially violating environmental laws.

22. That in response to the contents of para 3, the Applicant craves the liberty to submit his objections in tabular format as mentioned below:

S.NO.	CPCB OBSERVATIONS (DATED 13.08.2024 AND 14.08.2024)	PRESENT STATUS (DATED 06.08.2025) AS PER MPCB SUR REJOINDER	APPLICANT'S OBJECTIONS
i.	The existing hydro-geological conditions at site indicate that subsurface water flow comes in contact with portion of secured landfill below the ground level, thereby the risk of contamination from landfills exists	The MEPL has submitted its progress reports related to the construction & development of the secured landfills in the phase wise manner along with the quality test results time to time. The facility has provided designated leachate collection well tank and is taken to the Effluent Treatment Plant (ETP) for further	The CPCB finding indicates the possibility of the water contamination from the portion of secured landfill, instead on independent examination, MPCB has accepted the progress report of Respondent No. 1 as gospel truth, without independently assessing the possibility of contamination of sub

		<p>treatment. The cement curtain grouting work has also been executed by the MEPL as per the recommendations of GSDA at upstream side of MEPL entry, at the downstream side of the facility ensuring that there will not be any leachate generation.</p>	<p>surface water. Thus, showing dereliction from its primary duty.</p>
ii.	<p>The facility has constructed unlined lagoon to receive surface run-off from the facility towards northern end of the facility, between closed cells # 4 and # 5.</p>	<p>The existing unlined lagoon is having inner temporary lining of HDPE sheet on four sides of the lagoon and seepages are being collected in the Kaccha Pounds from downstream of the plot.</p> <p>The collected water from downstream of the plot is being lifted</p>	<p>The observation of the MPCB, itself indicate that this particular violation was in existence before inspection dated 06.08.2025. Further, the compliances now shown are temporary in nature and seepages are further collected in kuccha pounds thus, there is a high</p>

		to ETP & MEE for further treatment & disposal.	probability of contamination of ground water due to leaching/percolation of polluted water from this kuccha pounds.
iii.	The facility has constructed a 700-meter trench to received surface runoff and sub-surface seepage/flow from north-north-east side of the facility which discharges through cascade structure followed by a lined drain, which meets natural nala leading to Pazar Talav, Nimgaon Bhogi. A temporary arrangement was made to collect the water from cascade structure and pumping to unlined pond.	The facility has constructed storm water drain for collecting the complete catchment of ingress water from upper stream side due to surface runoff as per the directions issued by the Board. The storm water drain to the outside drain was stopped and blocked by way of providing temporary arrangement of soil bund on the trench arrest the surface runoff & the same is being pumped to	That in this regard, it is humbly submitted that the observations of CPCB are very particular, but the compliances that are mentioned are general, temporary and without any corroborating material to support the same. Non-seriousness on the part of Respondent No.1 and MPCB can be concluded from the fact that soil bunds are used to arrest surface-runoff. All these observations make a strong case for

		unlined lagoon is having inner temporary lining of HDPE sheet on four sides for further treatment in ETP & MEE.	formation of independent Joint Committee to submit factual and action taken report.
iv.	Facility also constructed encasing trench of length 130 mtr towards north-north-west boundary to receive surface runoff and seepages, which discharges into a lined pond. The accumulated water from lined pond is pumped back to unlined lagoon.	The accumulated surface runoff in the encasing trench is being pumped in unlined lagoon is having inner temporary lining of HDPE sheet on four sides for further treatment in ETP & MEE.	That above objections regarding the temporary arrangements/lining of lagoon may also be read as an objection to the contents of this compliance.
v.	There was active seepage from lined lagoon, which is being collected into encasing trench and ultimately	The active seepages from lined lagoons were arrested in the premises & collected in check dam & which is being pumped back	That above objections regarding the temporary arrangements/lining of lagoon may also be read as an objection to

	pumped back to unlined lagoon.	into unlined lagoon is having inner temporary lining of HDPE sheet on four sides for further treatment in ETP & MEE.	the contents of this compliance.
vi.	During inspection, there was visual evidence of breach of surface run-off from the outlet of lined drain beneath the compound wall and as well as near the North-West boundary of the facility. This led to flow of contaminated waste into Pazar Talav, Vill. Nimgaon Bhogi.	At the time of visit physical discharge/flow of contaminated water is not observed in the nalla towards the North-North-West boundary of the facility. However, stagnated pool of water at various location in the natural nalla leading to Pazar Talav, Village Nimgaon Bhogi was noticed the stagnated water is having pH 7-8 (on pH paper).	The MPCB visit came after a gap of one year when for the first time CPCB has directed them to take action against the Respondent No.1. Being totally silent for one year, MPCB is now portraying a very good picture of the premises of the Respondent No. 1 without suggesting any action taken for the previous violations. Further the fact that stagnated pool of water at

		<p>The facility has constructed RCC retaining wall parallel to MEPL boundary wall from South, South-West to North-West side of MEPL plot boundary as a mitigating measure for preventing seepage from the plot to outside premises/natural nalla.</p>	<p>various location were found clearly shows that the Zero Liquid Discharge is only a paper compliance and the Respondents must be strictly dealt with for inaction for total contravention of environmental laws.</p>
vii.	<p>The water from unlined lagoon was found contaminated with respect to TDS: 29,244 mg/l; BOD: 521 mg/COD: 1,222 mg/l; Sulphide: 3.96; Boron: 9.15 mg/l and Manganese: 4.1 mg/l including ammoniacal parameter NH₃-N: 348</p>	<p>The analysis results of the water sample collected from the unlined lagoon reveals that TDS: 11615 mg/l; BOD: 220 mg/l; COD: 752 mg/l Boron: 4.96 mg/l and Manganese: 0.89 mg/l, including ammoniacal parameter NH₃-N:</p>	<p>The MPCB in its own good senses has not annexed the analysis result report. Further the standard to verify the contamination has also not been disclosed, it has just simply reproduced the values, without suggesting whether the water comes in the</p>

	mg/l; TKN: 3814 mg/l; respectively. Similar level of contamination was also found in accumulated water at unlined lagoon.	17.85 mg/l; TKN: 36.40 mg/l respectively.	category of polluted water or not.
viii.	Water collected in trench was also contaminated with respect to TDS: 27,506 mg/l, BOD: 454 mg/l, COD: 1,318 mg/l; Sulphide: 4.11 mg/l, NH3-N: 362 mg/l, TKN: 478 mg/l; Boron: 9.38 mg/l and Manganese: 3.71 mg/l respectively. Similar level of contamination was found at upstream of the trench.	The analysis results of the sample collected from the trench reveals that <u>Sample no. (1):</u> TDS: 13452 mg/l, BOD: 120 mg/l, COD: 488 mg/l, NH3-N: 21.35 mg/l, TKN: 41.44 mg/l and Manganese: 1.47 mg/l, Boron: 4.60 mg/L, <u>Sample no. (2):</u> TDS: 22672 mg/l, BOD: 650 mg/l, COD: 2224 mg/l, NH3-N: 49.40 mg/l, TKN: 123.20 mg/l; Boron: 8.38 mg/l and Manganese: 2.05	No analysis report was annexed with the Sur-rejoinder to verify the claim, further no conclusion or submissions made whether the parameters are within threshold limit or water contamination is present as suggested by the CPCB in its report.

		mg/l, Boron: 8.38 mg/L, respectively.	
ix.	As per the interaction with few villages/farmers of Nimgaon Bhogi Village, it is gathered that during monsoon season frequent overflow of surface run-off has been witnessed from the facility into the Pazar Talav through the natural drain and thereby making the surface water unsuitable for irrigation as well as for cattle consumption.	The facts that surface runoff has been witnessed from the facility into the Pazar Talav has been confirmed by interaction with villagers/farmers met during the inspection visit and sample collection. Though, at the time of visit physical discharge/flow was not observed in the nalla towards the North-West boundary of the facility.	The villagers have even after one year confirmed the CPCB observation, absence of overflow at the time of inspection of MPCB does not suggest, that it was not there.
x.	Water sample collected from a natural drain, downstream of the facility, is also contaminated in the	The analysis results of the water sample collected from outlet of Bandhara No. 1, constructed at outlet of Pazar Talav reveals	It is submitted that water from the outlet of Pazar Talav was only analysed which also shows totally above parameters.

	similar range to that of trench. Water in Pazar Talav and at the outlet of Talav is also contaminated.	that the BOD: 90 mg/l, COD: 368 mg/l; TDS: 14628 mg/l; TKN: 28.96 mg/l; Boron: 5.39 mg/l; Manganese: 0.87 mg/l.	Further, no inspection of water in the natural drain was ever conducted or shown to be conducted. Further, the analysis result copy is not annexed to corroborate the findings.
xi.	Ground water samples collected from the open dug well near Pazar Talav indicate high levels of contamination with BOD: 1936 mg/l, COD: 560 mg/l; TDS: 12,944 mg/l; Sulphide: 0.35 mg/l; NH ₃ -N: 25 mg/l; TKN: 30 mg/l; Boron: 3.38 mg/l; Manganese: 4.89 mg/l and Cyanide: 0.07 mg/l. The ground water is unsafe for	The analysis results of water samples collected from the open dug well reveals that BOD: 60 mg/l, COD: 280 mg/l; TDS: 10952 mg; TKN: 4.48 mg/l; Boron: 4.97 mg/l; Manganese: 0.01 mg/l	The findings cannot be verified, as it is not clear from which open dug well the water samples are collected. Further, no analysis report has been annexed to verify the readings of various parameters. It is also not corroborated as to how such readings have been obtained and due to what measures such huge difference has been observed. Such drastic

	human, agriculture or animal consumption.		reduction merely suggests something more than meets the eye.
xii.	Surface and groundwater samples were collected from 8 locations of alleged impact areas outside the facility. Out of which, at 2 locations the water is being used for drinking purposes and for rest of 6 locations the water is being used only for agricultural activities.	Surface and groundwater samples were collected from 8 locations of alleged impact areas outside the facility. Out of which, at 2 locations the water is being used for drinking purposes and for rest of 6 locations the water is being for agricultural used only activities.	This observation merits no response.
xiii.	The water quality analysis of Ground water collected from open dug well of Annapur Gram Panchayat, Near Gahininath Mandir, Annapur (2.95 km from the facility)	The analysis results of water samples collected from the open dug well of Annapur Gram Panchayat reveals that - BOD: 4.0 mg/l, COD: 12 mg/l; TDS: 875 mg/l; Hardness:	The MPCB has not mentioned anything about the analysis of water from the Ghod River. Further, the analysis result reproduced is without any corroborating documents and proofs.

<p>reveals that it has elevated levels of TDS, total hardness, fluoride, and sulphide, likely due to its ground water source and the underlying strata. For Surface water collected from Ghod River i.e. Jack well of Shirur Municipal Council, d/s of Ghod River, Shirur (situated 8.2 km away from the facility), higher concentrations of TDS, total hardness, fluoride, sulphate, and cyanide were noted. Both the locations are separated by hillocks, agricultural fields, and domestic settlements from the facility. However, the water is treated at a local Water</p>	<p>314 mg/l:, Chlorides: 47.69 mg/l: TKN: 1.68 mg/l: Boron: 0.93 mg/l: Manganese: BDL mg/l</p>	
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	Treatment Plant before used for drinking purpose. In both cases, other monitored parameters meet the Indian Standard Drinking Water Specification (IS 10500:2012) acceptable limits.		
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23. That in response to the contents of Para 4, the submissions are below in tabular format: -

S.NO.	POINTS (INTERIM DIRECTION DATED 01.10.2024)	COMPLIANCES (DATED 06.08.2024)	APPLICANT'S OBJECTION
1.	PP should immediately stop all seepages / percolation from the facility area by providing retaining wall and submit the compliance report immediately to the Board.	The facility has constructed RCC retaining wall parallel to MEPL boundary wall from South, South-West to North-West side of MEPL plot boundary as a mitigating measure for preventing seepage	It is humbly submitted that in cases of pollution the time line is of great essence, as it can be observed that the compliances of the directions given in 01.10.2024 was examined after 10 months. This

		<p>from the plot to outside premises/natural nalla and finishing work of retaining wall is in progress.</p> <p>The facility has provided designated leachate collection well tank and is taken to the Effluent Treatment Plant (ETP) for further treatment.</p> <p>The cement curtain grouting work has also been executed by the MEPL as per the recommendations of GSDA at upstream side of MEPL entry at the downstream side of the facility ensuring that there will not be any leachate generation.</p>	<p>concludes one fact that MPCB is not serious in taking action about the Respondent No. 1 unit's. This is gross dereliction of duty and this Hon'ble Tribunal may take strict notice of the same. Whether such belated measures have had any desired effect or not is still not before this Hon'ble Tribunal.</p>
2.	PP shall lift the entire contaminated water accumulated in the	The collected water from downstream of the plot is being lifted	As mentioned above the unit is still collecting the

	<p>kuccha pond and treat the same into their existing ETP and MEE within period of 02 months. PP should submit daily report of treatment of contaminated water to the Board office through e-mail. For the compliance of the same, facility should submit the Bank Guarantee of Rs. 10.0 Lakhs.</p>	<p>to ETP & MEE for further treatment & disposal. The work of lifting contaminated water accumulated in the kutchha pond for further treatment is in progress. Compliance report of treatment of contaminated water has been submitted to the Board office through e-mail on regular basis. Submitted Bank Guarantee of Rs. 10.0 Lakhs towards compliance of the same.</p>	<p>contaminated water in kuccha pond and the MPCB had given only two months to comply with the directions dated 01.10.2024, but even after ten months the unit is still in the process of lifting the contaminated water. MPCB all these months remained a mute spectator and even now also it is hesitating in taking action against the Respondent No. 1 for environmental violations.</p>
3.	<p>PP shall provide impervious lining to the Kutchha pond and ensure that, there should not be any</p>	<p>The existing unlined lagoon is having inner temporary lining of HDPE sheet on four sides of the lagoon and</p>	<p>It is submitted that the HDPE sheet as per compliance is provided only on the four sides, bottom of</p>

<p>contamination of ground water/soil/well/water bodies around the facility area. PP shall provide piezometric well at the downstream of the Katchha pond and submit the report regularly to the Board. For compliance of the same, Bank Guarantee of Rs. 5.0 Lakhs shall be submitted.</p>	<p>seepages are being collected in the Kaccha Pounds from downstream of the plot. The collected water from downstream of the plot is being lifted to ETP & MEE for further treatment & disposal.</p> <p>The facility is having only 02 nos of existing piezometric wells within the premises of facility one at upstream side and other at downstream of facility.</p> <p>Submitted Bank Guarantee of Rs. 5.0 Lakhs towards compliance of the Interim Directions.</p>	<p>the lagoon may still be presumed to be unlined as no photographs or proofs had been annexed to show the compliance. Further, the Kaccha pounds are still there to collect the contaminated water through seepages as the lining is only temporary, thus compliance of point (1) above is in contradiction to this compliance.</p>
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4.	PP shall provide storm water drainage to avoid the mixing of rainwater surface runoff into the Kutchha pond.	The facility has constructed storm water drain for collecting the complete catchment of ingress water from upper stream side due to surface runoff as per directions issued by the Board The storm water drain to the outside drain was stopped and blocked by way of providing temporary arrangement of soil bund on the trench to arrest the surface runoff & the same is being pumped to unlined lagoon is having inner temporary lining of HDPE sheet on four sides for further treatment in ETP/MEE.	In objection to this compliance, it is only submitted that the arrangement made to stop contamination are temporary in nature.
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5.	PP shall take all necessary measures to reduce smell in the area by providing fume extraction system and scrubbers of adequate capacity for all point source of VOC emissions in the facility during handling of waste.	Industry has provided fume extraction system with scrubber to the stabilization/ preprocessing plant. Industry has provided Continuous Ambient Air Quality monitoring station Upstream and downstream of industry, which is connected to MPCB & CPCB website.	This is denied for want of proof or any material to support the same.
6.	PP shall plant aromatic trees in the massive quantity inside the facility premises and all along the boundary wall and compliance report along with photographs of tree plantation shall be submitted to the Board office.	Facility has already planted 7200 Nos. of trees inside the premises & along the boundary wall. As per the directions dated 1/10/2024 facility has planted 500 nos of more aromatic tress.	This is denied for want of proof or any material to support the same.
7.	PP shall not take any effective steps for	Not observed any effective steps towards	This is denied for want of proof or any

	development of additional land acquired for expansion of the facility until obtaining all necessary permission from the competent authority.	development of additional land for expansion of the facility.	material to support the same.
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24. Thus, in view of the above-mentioned facts and circumstances it is humbly submitted that the systematic, long-term monitoring of groundwater, surface water, soil and air in the impacted villages has not been undertaken by MPCB. Monitoring, if any, has been sporadic, incomplete and reactive, and not designed to assess the extent of environmental damage or public health impact.
25. That neither the Sur-Rejoinder nor any earlier affidavit discloses any assessment of environmental damage, assimilative capacity, or remediation requirement, despite continuous contamination being recorded for over a decade. This failure defeats the Polluter Pays principle and leaves the affected communities without restoration or relief.
26. That it is pertinent to note that the Hon'ble Supreme Court in "*Vellore Citizens' Welfare Forum v. Union of India*" (1996) 5 SCC 647 has categorically held that the Polluter Pays Principle is an integral part of Indian environmental jurisprudence. Despite admitted contamination of surface and groundwater in and around the project site, the Sur-Rejoinder does not disclose any computation, levy or recovery of Environmental Damage Compensation (EDC) for historical pollution.

27. That the failure of Respondent No. 2 & Respondent No. 3 to apply the Polluter Pays Principle renders its actions arbitrary, illegal and contrary to binding constitutional and judicial mandates.
28. That seepage and discharge from the facility of Respondent No.1 have entered natural nallas and Pazar Talav, contaminating surface and groundwater. The CPCB inspection dated 13–14.08.2024 recorded visual breach of lined drains, seepage beneath the compound wall, and contamination of water with elevated TDS, COD, hardness, fluoride, sulphide and cyanide, concluding that groundwater near Pazar Talav was unsafe for human, agricultural and animal consumption and could be fatal with the presence of cyanide.
29. That the MPCB's claim in the Sur-Rejoinder that "no visible discharge" was observed on 06.08.2025 is irrelevant to the issue of long-term contamination and historical damage. Pollution is not episodic but cumulative, and the absence of visible flow on one day cannot erase the years of seepage, accumulation and contamination admitted in various statutory reports. It is submitted that on one hand MPCB stated that it continued to perform its regulatory duties by issuing necessary notices and directions and conducting multiple inspections with its statutory mandate whereas, on the other hand it's surprising aspect that no Environmental monitoring of nearby wells, agricultural fields and underground resources as well as atmosphere has been so far done for initiating appropriate action and to maintain the environment to its original status, so as not to cause any damage to nearby environment by the MPCB . Further, on perusal of aforesaid Sur-rejoinder, it has not been clarified by the MPCB as to what actions are being taken for not obtaining statutory permission including EC and renewal of Consent within stipulated time against Project Proponent i.e. MEPL.
30. That regulatory leniency and indulgence shown to Respondent No.1 have allowed pollution to continue while affected villagers continue to suffer loss of

clean water, agricultural productivity, livestock health and quality of life. This violates the constitutional right to a clean environment under Article 21 and undermines public confidence in environmental governance.

31. That post-violation mitigation cannot absolve liability for past violations, nor can it substitute for environmental restoration and compensation. Treating mitigation as compliance undermines the preventive purpose of environmental regulation and defeats the polluter pays principle. Thus, it is humbly prayed that this Hon'ble Tribunal may appoint an independent committee to ascertain the facts and action taken against the Respondent No.1 for previous violations and taking into consideration the precautionary principle and the recent incident of deaths due to water contamination in Indore (Madhya Pradesh) may close the operation of the unit of Respondent No. 1 till all the violations are arrested.

OBJECTIONS/REPLY TO ADDITIONAL AFFIDAVIT DATED
21.01.2026

32. That the contents of Para 1 merit no response.
33. That the contents of Para 2 are denied as false and without any merit. The MPCB has arbitrarily mentioned the period of violation as 1492 days (from 07.07.2021 to 06.08.2025) and reasons assigned for arriving at this period of violations is Section 15 (3) of the NGT Act, 2010. It is humbly submitted that MPCB had issued a first Show Cause Notice to the Respondent No.1 as early as 26.03.2013 for violation of consent conditions and thereafter a series of Notices and Directions have been issued to the Respondent No.1 for violations of the consent conditions and also for causing the serious environmental pollution in the surrounding areas. Thereafter, a Criminal Complaint case 404179/2015 was also filed by the MPCB against the Respondent No.1 for violation various Environmental Laws and which is lying dormant before the Ld. CJM Court, Pune because of non-prosecution by the MPCB. Further, Statutory right for filing an

Application under Section 15 of the NGT Act, 2010 before this Hon'ble Tribunal is only available to the aggrieved person and MPCB is not the aggrieved person in the present case. The Limitation period as prescribed in the Section 15 (3) does not bound the Regulator from imposing an Environmental Compensation as per the "Polluters Pays Principle" as recognised by the Hon'ble Supreme Court. The Applicant humbly submits if the Regulator is hesitant to impose the Environmental Compensation beyond period of five years, then the MPCB may be directed to pay the compensation from 2013 onwards till 07.07.2021, for dereliction of their statutory duty, for restitution of the Environment damage that has been occurring since 2013. Even in arguendo, the period calculated is less the five years and it is for the MPCB to explain its conduct. The true copy of Show Cause Notice dated 26.03.2013 is marked and annexed as **ANNEXURE A/2**.

34. That in response to contents of para 3 it is submitted that assuming the end date to be 06.08.2025 and the starting period of violation to be **26.03.2013** (when the first show cause notice for violation of consent condition was issued by MPCB to Respondent No.1), the total number of **days of violation comes out to be 4517** and adopting the same formula as mentioned in the Additional Affidavit the amount of Environment Damage Compensation in rupees will be: -

$$= 100 \times 4517 \times 250 \times 1.5 \times 1$$

= **Rs. 16,93,87,500/- (Sixteen Crores Ninety-Three Lakhs Eighty-Seven Thousand Five Hundred Only)**

35. That the contents of Para 4-6, it is submitted that the MPCB has already calculated the EDC in violation of facts and circumstances of the present case or also in violation of Polluter Pays Principle. They are giving the opportunity of hearing after having arrived at the erroneous calculation for EDC, thus, looking at the past conduct of MPCB, it is apprehended that the same is done only to

prolong the sufferings of the people of the surrounding areas and to provide benefit to the violator i.e., Respondent No.1.

DATE: 22.01.2026

PLACE: Pune

DRAWN BY:



ARVIND SONI & SHUBHAM SONI
(ADVOCATES FOR THE APPLICANTS)

SETTLED BY:

Shri. Sanjay Upadhyay
[Senior Advocate]



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN BENCH AT PUNE
ORIGINAL APPLICATION NO. 14/ 2025

Kailas Narke

...Applicant

-Versus-

M/s Maharashtra Enviro Power Ltd.& Ors. ...Respondent(s)

AFFIDAVIT

I, Kailas Sambhaji Narke, aged about 41 years, S/o Shri Sambhaji, R/o Talegaon- Dhamdhere, Tehsil- Shirur, Dist. Pune, Maharashtra, am the Applicant, do hereby, solemnly affirm and declare as under:

- (1) That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
- (2) The contents of the accompanied Objections are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.

Kailas Narke
DEPONENT

VERIFICATION

Verified at Pune on this 21st day of Jan, 2026, that the contents of the above affidavit are true and correct to the best of my knowledge and belief nothing has been concealed therein.

Kailas Narke
DEPONENT

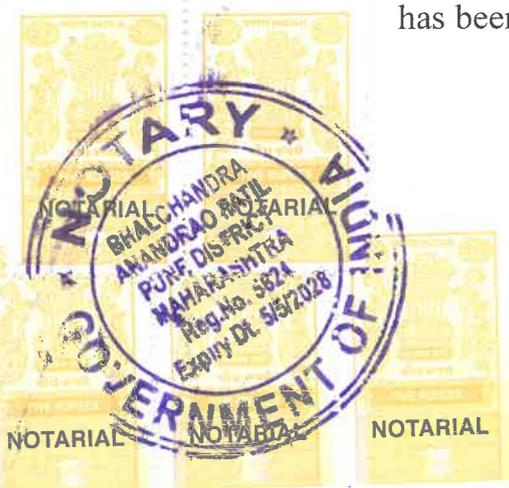
BEFORE ME

Bhalchandra Anandrao Patil
BHALCHANDRA ANANDRAO PATIL
NOTARY
GOVT. OF INDIA

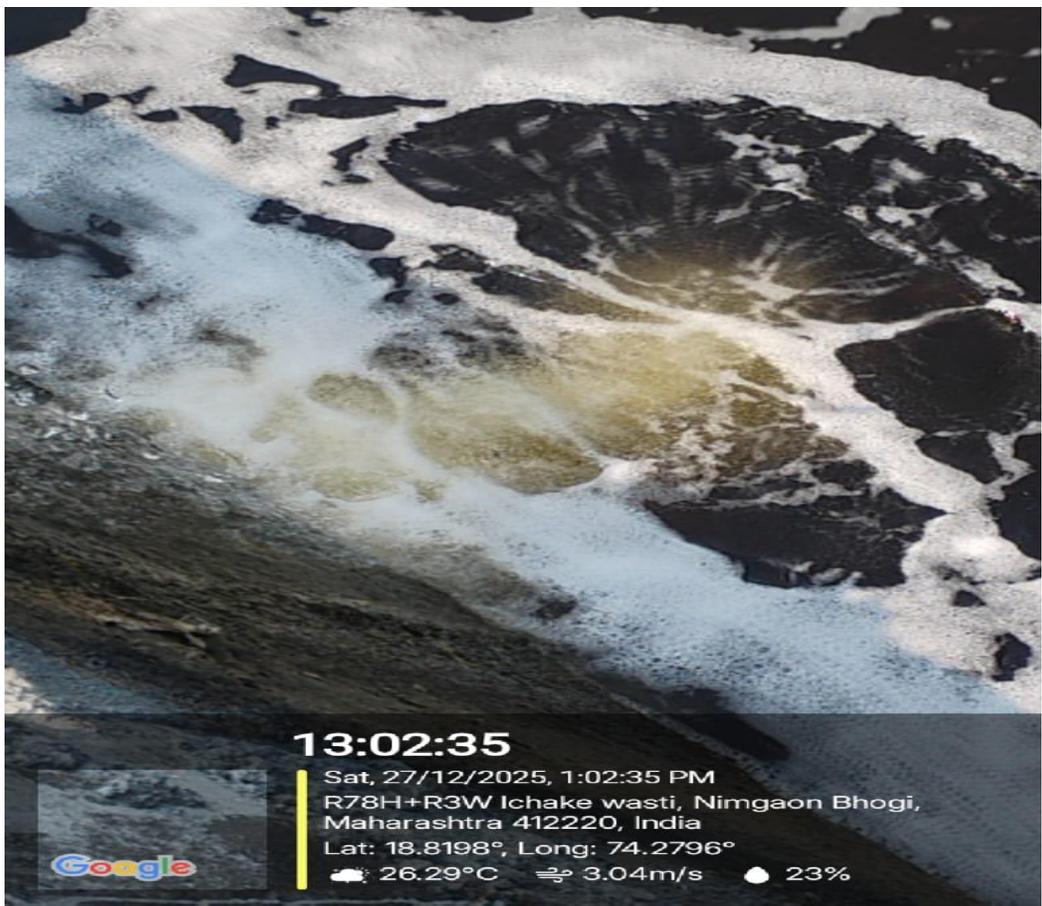
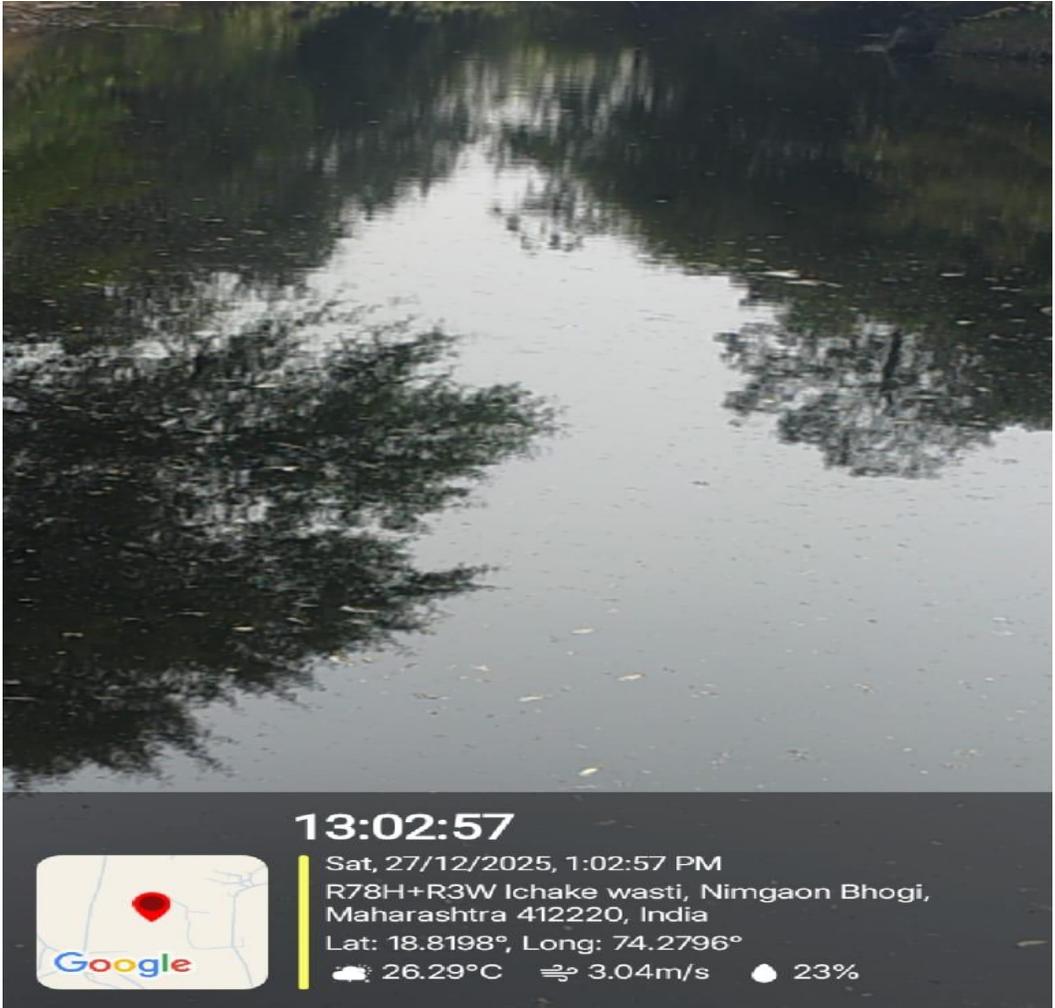
Noted & Registered

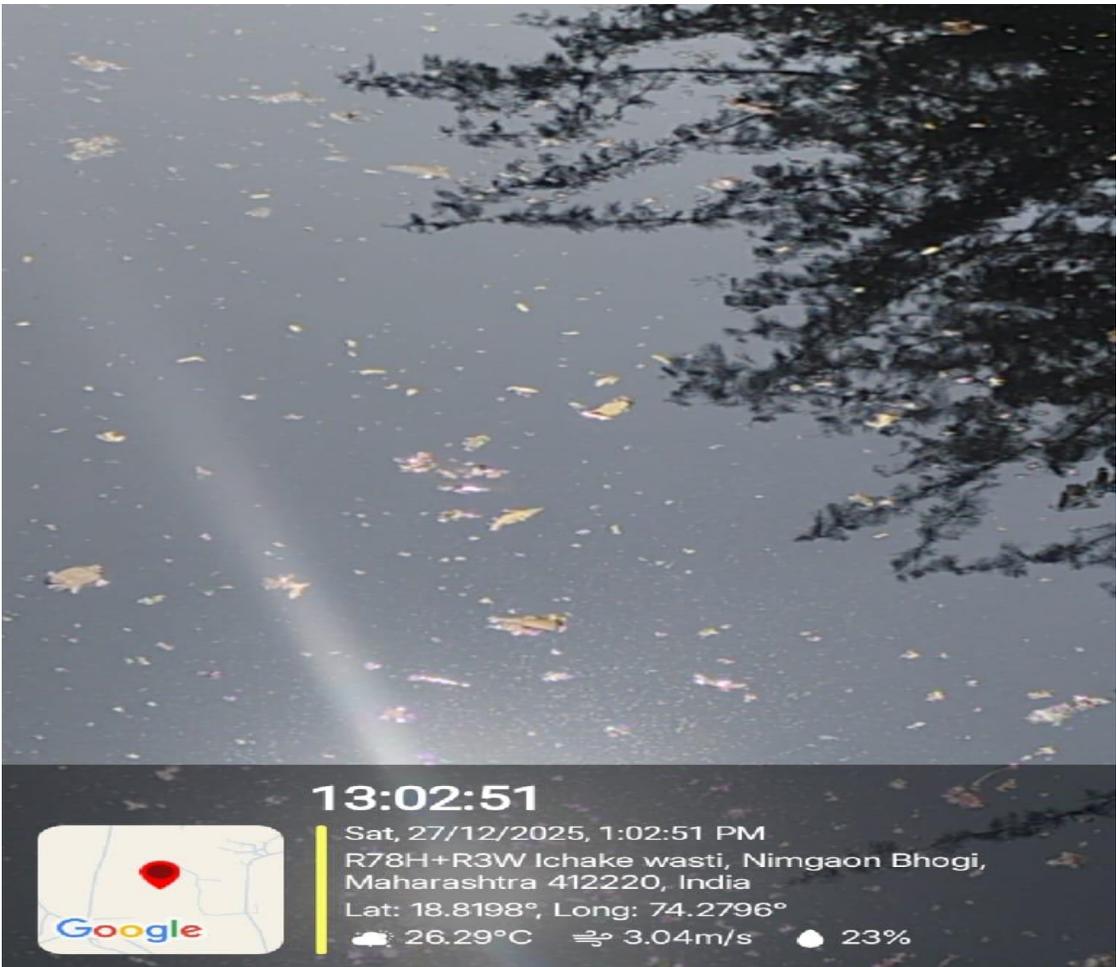
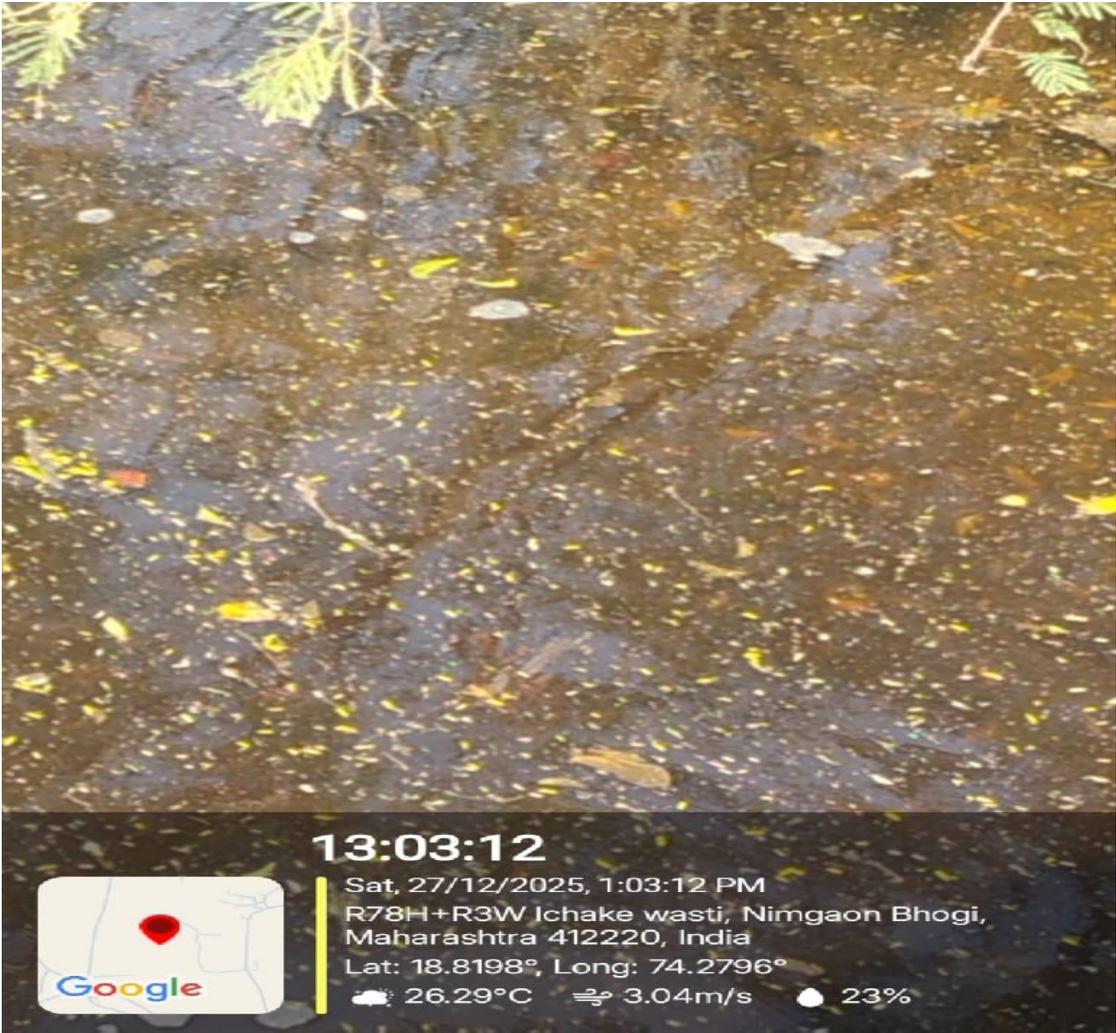
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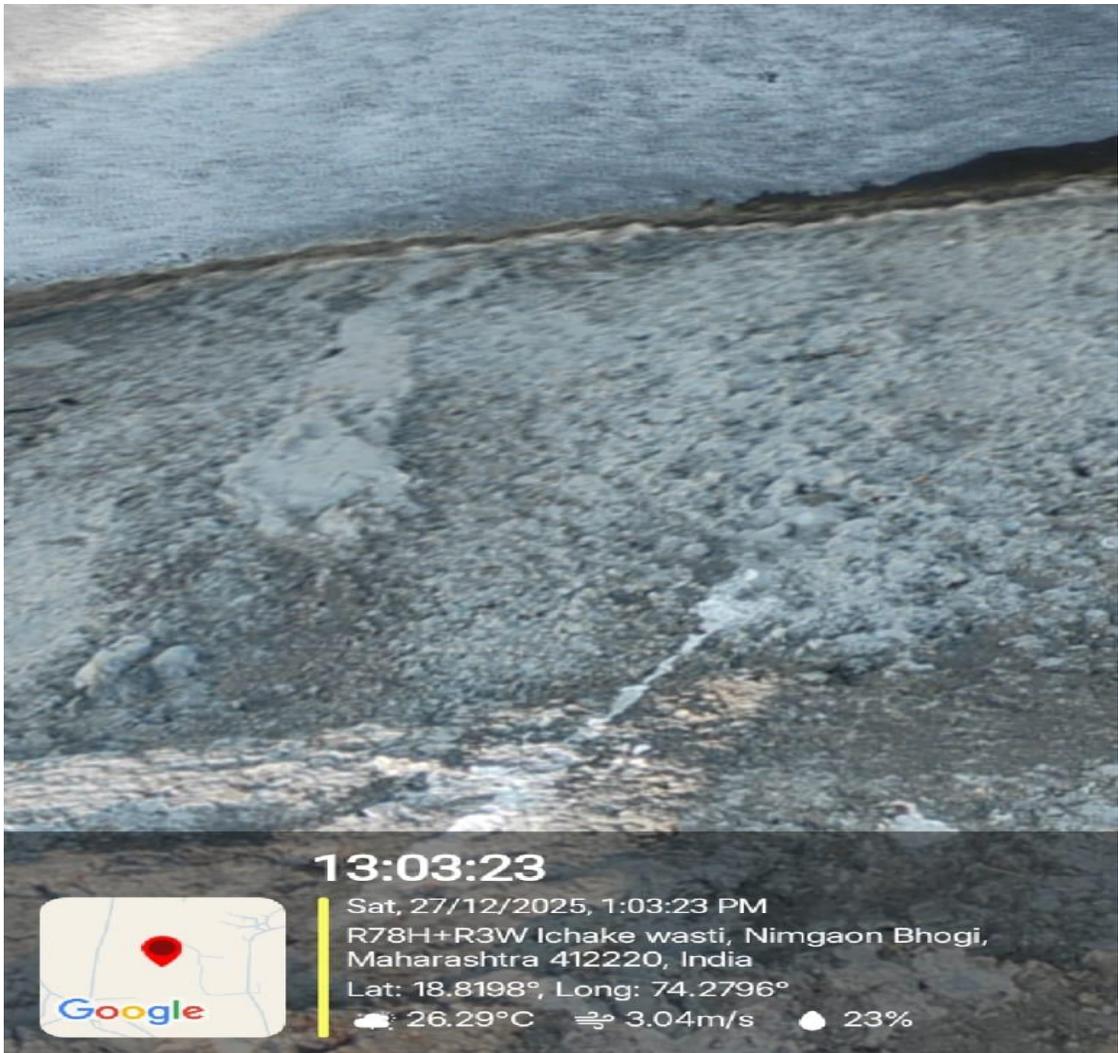
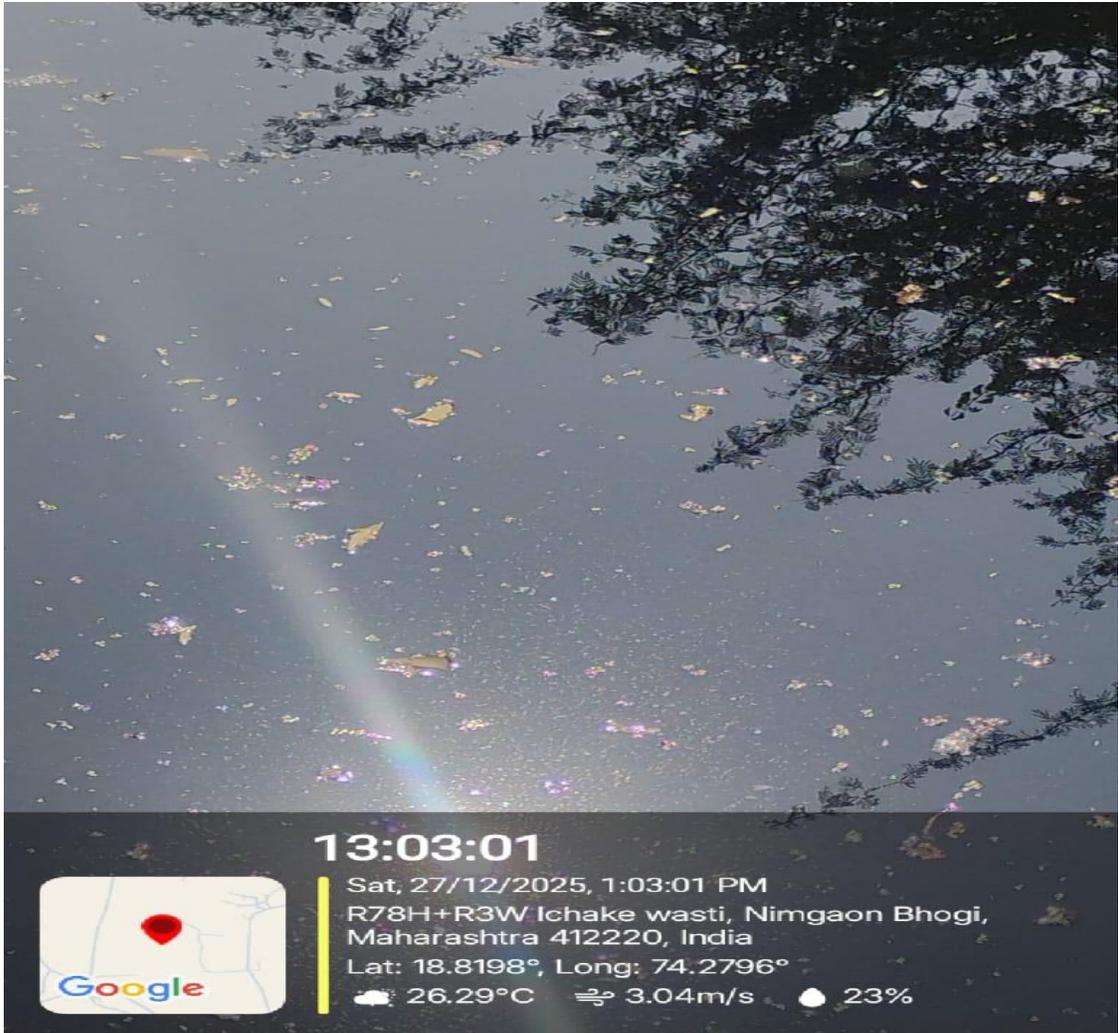
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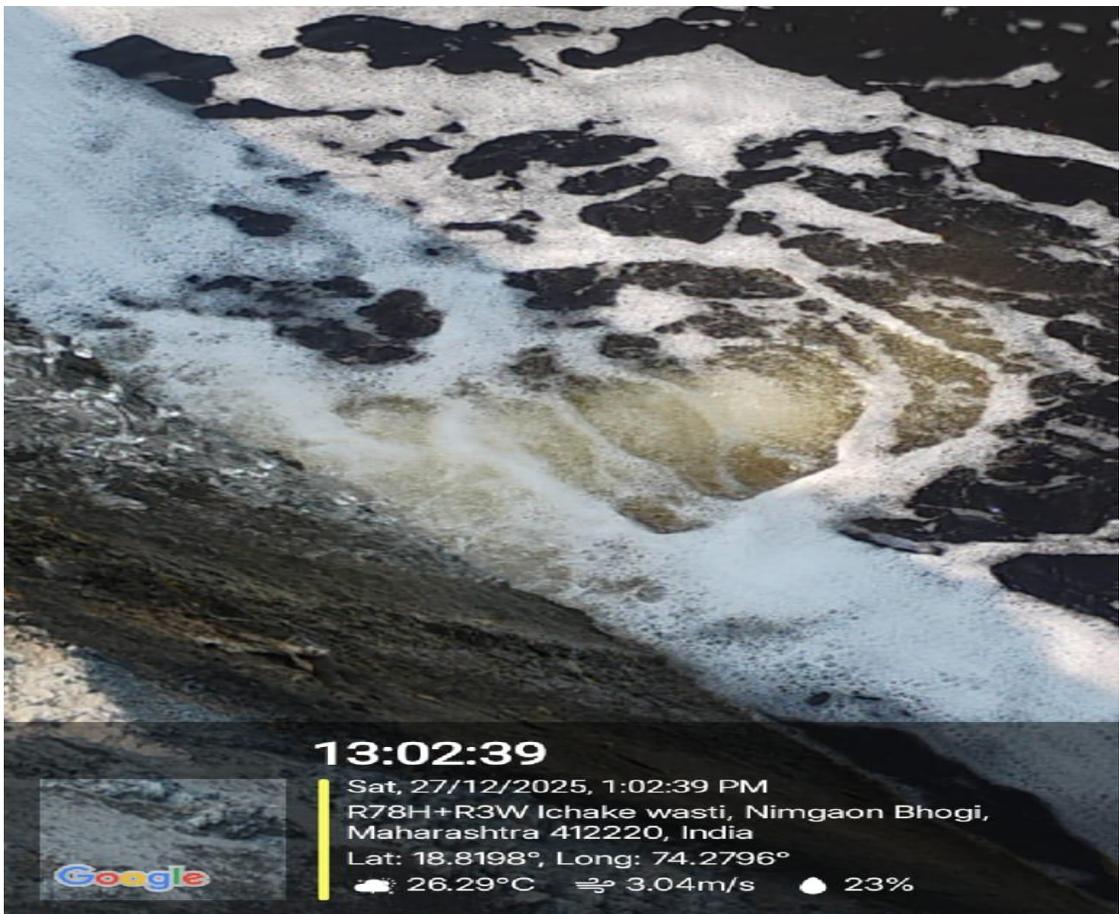
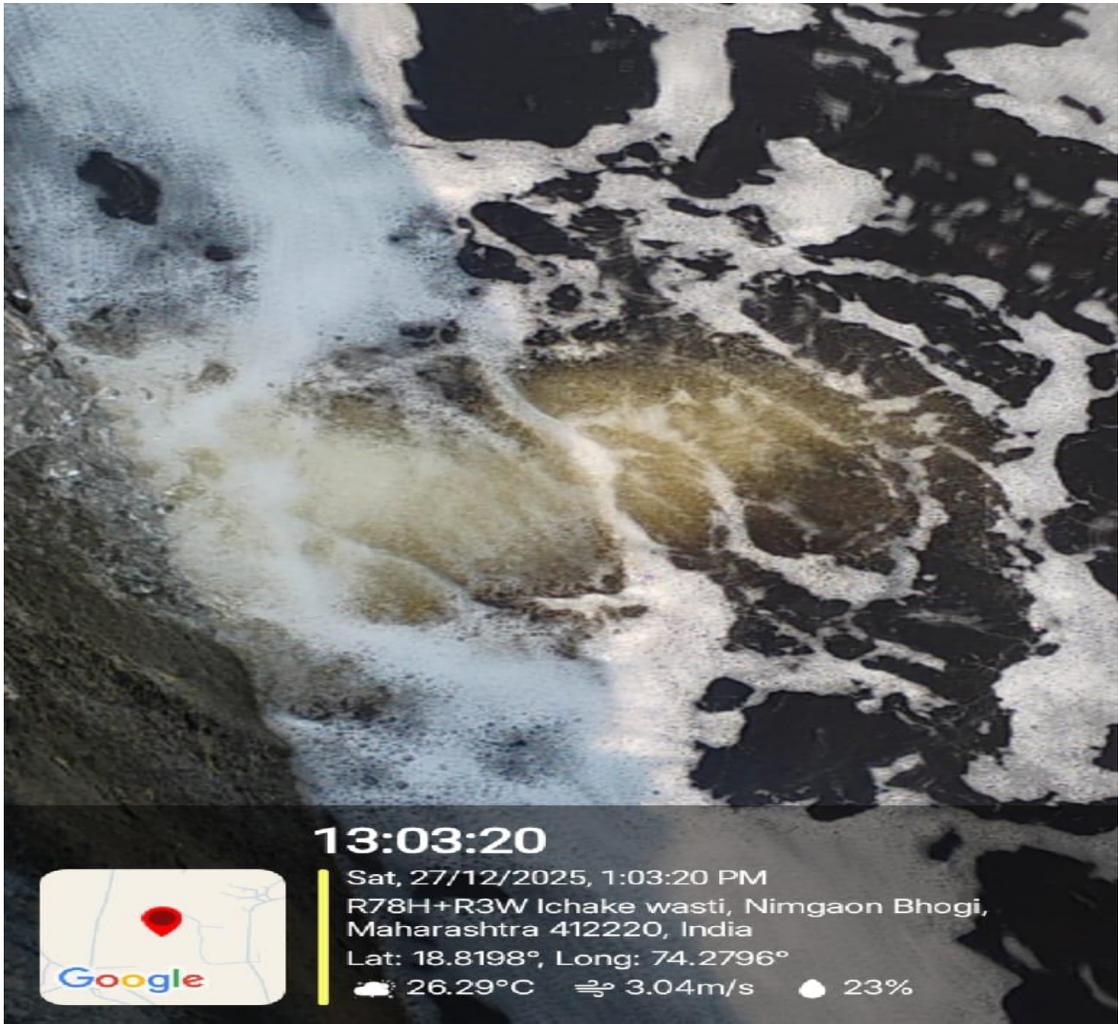


PHOTOGRAPHS DATED 27.12.2025 DEPICTING WATER CONTAMINATION









MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE PUNE

Phone :- (020) 25811627 / 25811694
Fax :- (020) 25811701 / 25811029
Website :- <http://mpcb.gov.in>
E-mail :- ropune@mpcb.gov.in



3rd Floor, "Jog Center", Wakdewadi,
Pune - Mumbai Road,
Pune - 411 003.

MPCB / ROP / YSS / 13

Date : 26/03/2013

To
M/s Maharashtra Enviro Power Ltd.
MIDC Ranjangaon. Tal-Shirur,
Dist-Pune.

Sub : Show cause notice for violation of consent conditions.

Ref : 1. Board's Consent.

2. Compliant received from Sarpanch Nimgaon Bhogi, to this office through Deputy Engg MIDC Ranjangaon dated 25.01.2013
3. Visit of officer of the Board along with Shri Sanjay Pawase, Sarpach, Shri Vilas Asawale, upsarpach, & Shri L.T. Patil, Manager MEPL. On dated 12.02.2013

WHEREAS, you are operating your industry 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 and amendment thereto. And, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively so as to achieve the standards prescribed in the consent refer at Sr. no. 1. Above,

AND WHEREAS, this office is in receipt of compliant received from Sarpanch Nimgaon Bhogi, Which is received to this office through Deputy Engg MIDC Ranjangaon dated 25.01.2013 regarding water pollution due to your common hazardous waste disposal facility, accordingly officer of SRO Pune- II has carried out visit & investigation along with Shri Sanjay Pawase, Sarpach, Shri Vilas Asawale, upsarpach & Shri L.T. Patil, Manager MEPL. On dated 12.02.2013 and it is has been noticed that; Leachate from detection well was escaping outside the factory premises and entering in to the Talao (unconstructed) at Nimgaon Bhogi grampanchayat area through natural nalla, thereby contaminating the surface & sub-surface water of the nearby area.

You are, therefore, directed to show cause as to why further action shall not be initiated against your industry for the above non-compliance.

The reply/objections if any shall reach to this office within seven days from the receipt of this notice along with time bound programme with full-fledged proposal for compliance, failing which further action as deem fit shall be initiated as per the provisions in the Acts, which may please be noted.

(Signature)
(A.D. Mohekar)
Regional Officer, Pune

Copy to :-
Sub Regional Officer, MPCB, Pune II.
For information and further follow up action and report accordingly



37

mukta mm <24muktamm@gmail.com>

Objections on behalf of the Applicant to the Sur Rejoinder Dated 24.09.2025 and Additional Affidavit Dated 21.01.2026 filed on behalf of the Respondent No. 2 & Respondent No. 3 (MPCB)

1 message

mukta mm <24muktamm@gmail.com>

Thu, Jan 22, 2026 at 11:00 PM

To: aniruddha1488@gmail.com, adv.manasi.joshi@outlook.com, Saurabh Kulkarni <sdkadvocate@gmail.com>, navdeep@nvasso.com

Cc: arvindsoni_lawyer@yahoo.com, shubham@eldfindia.com

Sir/Madam,

I am doing the Service of Objections on behalf of the Applicant to the Sur Rejoinder Dated 24.09.2025 and Additional Affidavit Dated 21.01.2026 filed on behalf of the Respondent No. 2 & Respondent No. 3 (MPCB). Kindly acknowledge the same.

Thanks & Regards,**Mukta Ranade,
Advocate**22.01.2026- Objections.pdf
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