

OBJECTIONS TO THE EDC ASSESSED BY THE MPCB WITHOUT GIVING ANY OPPORTUNITY OF HEARING IN O.A. NO.50 OF 2023WZ.

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, AT PUNE

Shahu Shivaji Mokashi

.....) Applicant.

VERSUS

M/s Appasaheb Nalawade GTSSK Ltd & Others.

.....) Respondents.

Objections to the Assessment of EDC by MPCB vide Affidavit dated 13-9-24 received on 17-9-24.

The R.N. 1 has been served with the MPCB-Affidavit dated 13<sup>th</sup> September 2024 on 17<sup>th</sup> September 2024 in the evening in respect of the assessment of EDC without extending any opportunity of hearing by not following the principles of the natural justice despite specific directions given by this Hon'ble Tribunal to extend an opportunity of hearing before assessment of EDC. Therefore, the MPCB may kindly be directed to extend an opportunity for a hearing on the basis the EDC is calculated for the days of violation mentioned in its Affidavit dated 13<sup>th</sup> September 2024. More particularly, the following are objections to the assessment of the EDC:

- 1) MPCB has not given specific details of the violation for which the EDC has been assessed.
- 2) No evidence has been brought on record about what violation was done during the period of assessment of EDC.
- 3) Assessment of EDC has been done for a total period of the operation without pointing out specific evidence for the period of assessment.
- 4) EDC has been calculated for a total of 127 days for the period 2021-22 for 55 days, 2023-24-72 days without showing any exceeding analytical results of samples collected for the said period and therefore it is necessary to bring on record specific evidence about on what basis the days of violations have been taken into consideration duly supported by actual damage caused to the environment.
- 5) No specific violation duly supported by the evidence about non-compliance caused environmental compensation has been given for assessment of damage for 40 days for the Distillery.

Hence, it is prayed that as earlier directed by this Hon'ble Tribunal in another matter, an opportunity for a hearing may kindly be directed to be provided to the R.N.1 by the MPCB in what manner EDC is calculated. For this act of kindness, the R.N.1 will remain grateful forever. The Distillery In-Charge, an authorized person has been admitted to the Hospital on account of Dengue.

Dated this 18<sup>th</sup> day of September 2024.

For Respondent No.1

*Devale*  
(Dattatraya Devale)

Advocate for the R.N.1.