

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO 32/2023 WZ

RAJU ALIAS DEVAVAPPA ANNA SHETTY & ORS ...} APPLICANTS

VERSUS

M/S SHRI DUTT INDIA PVT LTD & ORS ...} RESPONDENTS

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The index is filled on the day _____ of the month _____ year of 2025 before Hon'ble National Green Tribunal, Pune.

Place : Pune

Date :-

Divyansh Gore 
Advocate for Respondent No.4


For M/s Swapnapurti Sugar Ltd
(Ashok S Mali)
Director

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OBJECTIONS AND AFFDAVAIT IN REPLY TO THE AFFIDAVIT FILLED BY AND ON
BEHALF OF MPCB DATED 09/05/2024

I, Ashok S Mali , Director and Authorized Signatory of M/s Swapnapurti Sugar Ltd , Sangli, i.e the Respondent No 4 do hereby state on solemn affirmation and filling this affidavit in reply to the affidavit filled by and on behalf of MPCB dated 09/05/2024 with objections to the joint committee report as under –

- 1) The Advocate for the Respondent No 4 on last date of hearing was not informed about the personal hearing extended by the MPCB and therefore he has made statement that an opportunity of hearing was not extended to the Respondent No 4. The Respondent No 4 hereby begs unconditional pardon for not informing its Advocate about opportunity extended by MPCB on Video Conferencing dated 25/04/2024.
- 2) The Respondent No 4 has already specifically pointed out in its Affidavit in Reply to the main application as under
"The Respondent No 4 (Distillery) has provided lined bio-compost yard of 7.5 acre for utilization of raw spent wash , as per conditions stipulated in the consent to operate dated 5/11/2020. MPCB has prescribed treatment of spent wash through re-boiler followed by bio-composting, which is already provided by the Respondent No 4 (Distillery). Therefore the observation of Joint Committee that re-boiler is an integral part of the distillation column but not a separate treatment process for treatment / volume reduction of spent wash cannot be taken into consideration unless the MPCB specifically imposes such conditions in the consent to operate. The Respondent No 4 is ready to comply with any such condition if imposed by the MPCB provided sufficient time is granted to provide it."



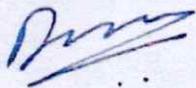
Therefore incase if the MPCB wants that the condition in respect of treatment of spent wash through boiler followed by bio-composting, which is already provided by the Respondent No 4 as per the MPCB consent condition, then as per the Rule 3(3) of Environment (Protection) Rules, 1986 , It shall be complied with by the industry within a period of One Year of being so specified. Therefore the recommendation of Joint Committee about not to permit operation of distillery durning next season till implementation thereof is totally incorrect and cannot be imposed in violation of Rule 3(3) of Environment (Protection) Rules, 1986.

- 3) MPCB has issued directions to deposit Rs 3,60,000/- while order dated 14/02/2024. Though an opportunity of hearing was extended by MPCB online, as per the Joint Committee report observation on 11/03/2023 the industry was found to be closed on 05/03/2023 and incidence of fish kill occurred on 10/03/2023 which was deliberately forced on and for headed on the Respondent No 4. It is submitted that the Respondent No 4 is not responsible for the incident and spent wash was carried out by way of Gravity to 5 days and 30 day lagoon. The Respondent No 4 has repaired the pipeline carrying spent wash immediately on the same day and reported to the MPCB . Therefore whatever allegations made by the Respondent No 1 and MPCB as well as Joint committee against the Respondent No 4 are denied. Hence we have not deposited EDC of Rs 3,60,000/-.
- 4) Comments of the Respondent No 4 on Joint Committee Report are summarized as under :
 - i. The Respondent No 2 has filled compliance affidavit in compliance of order passed by the Tribunal directing it to submit date vise Non-Compliance / Violation for imposition of EDC. It has referred Page 37 and 43 of the Joint Committee Report . After going through Page 37 of the Joint Committee Report it only mentions that Fish kill at Krushna river first aroused from the activity of Respondent No 4 – Distillery and Respondent No 1 sugar industry on the basis of samples collected on 10/03/2023 and 29/05/2023 respectively. Therefore the EDC should have been imposed only for 2 days violation and not for 12 days as mentioned at Sr.no 2 at page no 4 of MPCB affidavit, which period is shown from 22/02/2023 to 5/03/2023 but no details of violation are given for 12 days.
 - ii. Page 46 to 48 has been referred on Page 5 of the MPCB affidavit, which clearly admits that in para 1 of conclusion that sugar and distillery industries were not in operation at the time of visit. MPCB has been stated to carried out monitoring at the downstream location of sugar and distillery industry and it results were stated to be exceeding. However no were other discharges from Sangli- Miraj and kupvad corporations and other sugar factories were taken into consideration. Even these results are also restricted to 1 day and therefore imposition of Environment Damage Compensation (EDC) for 12 days have not been justified. The other details are in respect of how EDC have been calculated , visit and inspection report and closure directions followed by restart direction. No were expect for 1 day violation on the Date of collection of samples , the 12 days violation documentary



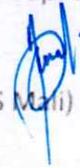
evidence is brought on record. Therefore the MPCB compliance affidavit dated 22/01/2025 except one day violation, No details of other 11 days violation are given. Hence it is requested to review imposition of EDC only for 1 day and not for all 12 days. Now the consent to operate and restart directions are issued, which are enclosed and marked as an annexure 1 and 2 respectively. Hence no further cause of action remains.

Dated this 4th June , 2025 at Sangli



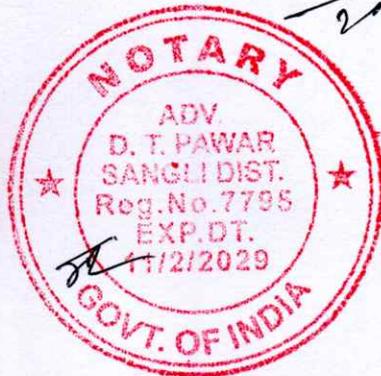
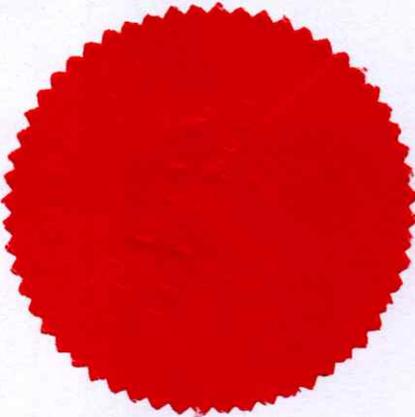
(Divyansh Gore)
Advocate for Respondent No 4

For M/s Swapnapurti Sugar Ltd

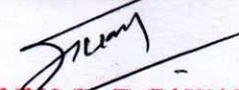


(Ashok S Mali)
Director.

Noted & registered
at Serial Numbers
819
2025



BEFORE ME



ADV. D. T. PAWAR
ADVOCATE & NOTARY
GOVT. OF INDIA, REG. NO. 7795
Shri Sai, 1146, Kanase Galli,
Khanbhag, Sangli - 416 416 (M.S.)
M. 9422619792

4 JUN 2025



ANNEXURE-1

Sr. No.	Application Unique Number	Industry name and Address	Decision on grant of consent	Consent granted Up to	Remarks / Discussion
1	MPCB- CONSENT- 0000179042	Swapnapurti Sugars Ltd., (Operator of Vasantdada Shetkari Sahakari Sakhar Karkhana Ltd., Sangli.)173/156/16 7/188 A/P Madhavnagar Road Sangli Miraj	APPROVED Renewal of Consent to Operate	31.08.2025	<p>Committee noted that industry has applied for Renewal of Consent for 45 KLPD distillery unit with country liquor mfg. Previous consent dt.: 05.11.2020. valid up to 31.08.2023.</p> <p>Committee further noted that, application was discussed in 18 th CAC meeting dt: 16/12/2023 & SCN for Refusal issued dt: 24/01/2024 for non-compliance points – closure direction issued dt: 12/03/2023, installation of 10 TPH Boiler without C tp E and not obtained restart directions from MPC Board.</p> <p>Industry has submitted reply to SCN issued by MPC Board as under</p> <p>Industry has submitted reply to closure direction vid td:</p> <p>a) Industry has submitted reply to closure direction vid td: 14/03/2023 and 18/03/2023 & subsequently Personal hearing was conducted on 06.03.2024 and decided to issue conditional restart order & Conditional restart order issued vide dt: 30/04/2024.</p> <p>b) PP has submitted reply they have applied for installation of 10 TPH Boiler vide UAN no: 132148 to MPC Board., said case was disused in 13th CAC meeting dt: 18/01/2023, in which granted C to E 10 TPH boiler subject to obtaining of EC from competent authority.</p> <p>After due deliberations, it was decided to grant Renewal of Consent for 45 KLPD distillery unit with country liquor mfg, project by imposing following terms and conditions:</p> <ol style="list-style-type: none">1. Industry shall submit/ extend Bank Guarantee of Rs. 25 Lakhs towards Operation and maintenance of pollution control systems.2. Industry shall submit additional consent fees towards increase in capital investment to MPC Board.



ANNEXURE - 2

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952,
2660448

Fax No. (0231) 2652952.

E-mail:

rokolhapur@mpcb.gov.in



"Your Service is Our Duty"

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.

Website: <http://mpcb.mah.nic.in>

MPCB/RESTART/2404300001

To,

Date: 30/04/2024

M/s. Swapnapurti Sugars Ltd., (Distillery Unit)
(Operator of M/s. Vasantdada Shetkari Sah. Sakhar Karkhanan Ltd.),
Gat No-381, A/p MADHAVNAGAR,
Tal. Miraj, Dist:- Sangli.

Sub: Conditional Direction u/s 33A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 Directions under section 5 of Environmental (Protection) Act 1986.

- Ref:
1. Closure Directions issued by the Board dated 12/03/2023.
 2. Request letter for restart from the industry.
 3. Visit of Board Officials 11/03/2023.
 4. Personal hearing was conducted on 06/03/2024 at HQ, MPCB, Mumbai
 5. Approval received from competent authority.

We refer to the Closure Directions dated 12/03/2023 issued u/s 33A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 and under the Hazardous Waste (M & TM) Rules, 2008 as amended. We also refer to your request letter to grant permission to restart manufacturing activity

In view of above as per discussion in Personal Hearing extended on 12/03/2023 at HQ, MPCB, Mumbai and restart letter submitted by you, you are allowed to restart your manufacturing activities subject to the following conditions.

1. Project proponent shall submit Environmental Compensation charges immediately.
2. Project proponent shall provide OCEMS within one month.
3. In no case treated / untreated effluent shall find its way into adjacent nalla / river.
4. Bank Guarantee of Rs 5.00 Lakh submitted towards O & M of Pollution control system and compliance of consent condition shall be forfeited.
5. Project proponent shall submit top-up fresh Bank Guarantee of Rs. 10.00 Lacs towards O & M of Pollution control system and compliance of consent condition in favour of Regional Officer, M.P.C. Board, Kolhapur.

These Directions are issued under the powers confirmed upon me by the Board under section 33A of Water (Prevention & Control of Pollution) Act, 1974 & 31 A of Air (Prevention & Control of Pollution) Act, 1981 with approval of competent authority. These directions shall be scrupulously followed. In case of non-compliance Board will have no options than to initiate stringent action including forfeiture of BG and issuance of final Directions which may please be noted.

J.S.

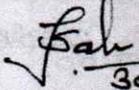


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In case you fail to comply above directions Board will have no option than to initiate stringent action including forfeiture of BG and issuance of final direction, which may please be noted.

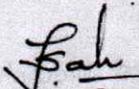
This is issued with approval of competent authority.

FOR AND ON BEHALF OF THE BOARD


30/04/24
(J. S. Salunkhe)
Regional Officer,
M. P. C. Board, Kolhapur

Copy for information & necessary action:

1. Superintending Engineer, MSEDCL, Ltd., Sangli Dist :- Sangli ..
2. The Executive Engineer, MSEDCL Ltd.; Sangli, Madhavnagar, District. Sangli .
--- They are directed to reconnect electricity supply of aforesaid unit immediately and report the compliance.
3. Executive Engineer, Irrigation Department, Sangli Dist :- Sangli
--- They are directed to reconnect water supply of aforesaid unit immediately and report the compliance


30/04/24
(J. S. Salunkhe)
Regional Officer,
M. P. C. Board, Kolhapur

Copy submitted for information:-

1. The Member Secretary, M.P.C. Board, Mumbai.
2. Joint Director (APC), M.P.C. Board, Mumbai.

Copy for information:-

Law Officer, M.P.C. Board, Mumbai.

Copy to:-

Sub-Regional Officer, M.P.C. Board, Sangli

- He is directed to serve the direction to the concern industry, concern M.S.E.D. Co. Ltd. and keep vigilance & report the compliance accordingly.



