

**AFFIDAVIT IN COMPLIANCE OF ORDER PASSED ON 18 -03 -24 INO A NO.50 OF 2023WZ
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, AT-PUNE.
Original Application No.50 of 2023 (WZ)**

Shahu Shivaji Mokashi

.....} Applicant

VERSUS

M/s Appasaheb Nalawade GTSSK Ltd. & Others.

.....} Respondents

MAY IT PLEASE YOUR HONOUR:

Objections to the Joint Committee Report in the O.A. No.50 of 2023 (WZ) with submission of copies of Affidavit dated 31-01-2024 along with the Receipt of Filing of the Affidavit

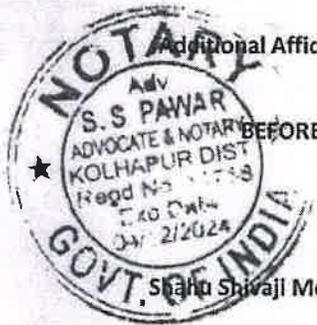
- 1) The main grievance of the Human Rights Commission & the Applicant was against M/s Hiranyakeshi Sugar Factory at Nagnoor, Karnataka against which no further action is taken by the Karnataka State Pollution Control Board and therefore, this Hon'ble Tribunal Bench at Chennai has passed order dated 09- 1-24 that if no proper representation is done on behalf of the Karnataka SPCB from the next date of hearing & the report has been filed on time, Tribunal must take a serious view on that. This Hon'ble Tribunal at Chennai directed the Karnataka SPCB to inspect the location & take samples, analyses it and furnish report vide order dated 1-12-2023 in respect of actions initiated by it more particularly against M/s Hiranyakeshi Sugar Factory at Nagnoor, Karnataka till then it cannot be treated as violation.
- 2) R.N. 1 was not in operation for the Season 2022-23. A copy of the Refusal Order in Marathi & English Translation enclosed at an Annexure- E-1 & E-2 respectively of the Affidavit dated 28-12-2023.(Pages- 131-134) Therefore, question of Bye-pass during this period does not arise. Therefore, discharge of polluted effluent is not correct.
- 3) The compliance of directions issued are reproduced in Para-5 of Reply Running Pages- 3 to 5 (97 to 99 of Affidavit dated 28-12-23) which are regular improvement measures & cannot be treated as non- compliances. Therefore, the R.N.1 may not kindly treated as non-complied.
- 4) To avoid double jeopardy, the R.N. 1 entitled for discharge from the proceedings. (OA No.143 of 2023SZ at Chennai & O A No 50 of 2023WZ.)
- 5) This Hon'ble Tribunal vide earlier Order dated 9-1-24 directed the MPCB to submit a clear-cut report regarding violations on account of RN 1 submissions that RN 1 Sugar Factory was not in operation because of its internal problems, hence it is wrong to say that it has caused pollution. But no report is submitted by the MPCB on this aspect.

- 6) In fact, in the observations of Research Coordinator as per Rule-9, Form 4 of NGT Act, 2010 Letter Petition (Regarding No. 19/LP/2022) Dairy No. 11- 24/LP/2022 dated 5-1-22, the issue raised was about Hiranyakeshi SSK, Sankheshwar, Taluka-Hukkeri, District-Belagavi. Therefore, Research Coordinator given report to PB to consider Application in view of direction of Hon'ble PB on the matters referred to. No reference whatsoever is made against the present R.N.1 (Appasaheb Nalawade SSK Ltd, Kolhapur.) It appears that the present Applicant unnecessarily made R.N.1 in the Application No.50 of 2023WZ & also before Southern Zone in O A No. 143 of 2023WZ without making M/s Hiranyakeshi SSK, Sankheshwar, Taluka-Hukkeri, District-Belgavi necessary party for the reasons best known to it. MPCB has also given a General- non-compliance Report in respect of its visual observations without even examining whether really Appasaheb Nalawade GTSSK Ltd, Kolhapur was in operation or not? After filing of MPCB - Report, RN 1 may kindly be allowed to file its objections to it. R.N.1 has already filed 2 Affidavits dated 28- 12- 2023 & 31-1-24 respectively.
- 7) Hon'ble Joint Committee has specifically observed that it is informed that this Crushing Season the Unit of R. N.1 was operated only for 55 days, who has informed not made clear. In fact, the R.N.1 was not operated in the season 2022-23.
- 8) JC Report further observed that from visual observations ETP was not in operation. Since the R.N. not in operation, ETP was not in operation. Other- Compliances have been already reported in our Affidavits.
- 9) Whatever, MPCB has reported in its Directions already compliance reported before starting next crushing season, which are only improvement measures and not caused any damages.
- 10) The Analytical Reports which are exceeding at the points nearby R.N.1 River-Hiranyakeshi are not served on the R.N.1 of 8 Reports. In fact, there are other contributing factors, which MPCB should bring on record.
- 11) The copies of the Additional Affidavit dated 31-01-2024 with the Receipt of E- Filing Fees dated 01-02-2024 is enclosed herewith and marked as an Annexure- A & B respectively. Hence, it is prayed that cost of Rs. 5,000/-for not filing response to the Order dated 09th January, 2024 may kindly be reviewed suitably.

Dated this 18th March, 2024.

Atdevale

Advocate for R.N.1



Additional Affidavit with regard to the Action Taken Report received by the R.N.1 in O.A. No.50 of 2023

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

Original Application No.50 of 2023WZ
(Earlier No.180 of 2022-LP)

Shri Shivaji Mokashi.

.....} Applicant.

VS

State of Maharashtra and Others.

.....} Respondents.

ADDITIONAL AFFIDAVIT ABOUT THE OBJECTIONS TO THE JOINT COMMITTEE REPORT DATED 23RD JUNE, 2022 IN COMPLIANCE OF THE ORDER DATED 09TH JANUARY, 2024

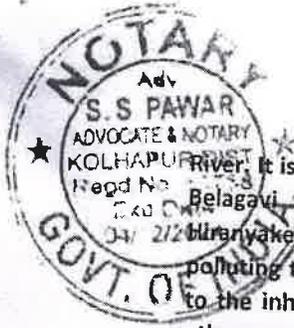
I, Ranjit Baburao Desai, the Distillery In-Charge and Authorized Signatory for and on behalf of the R.N. 1 hereby filing this Additional Affidavit with the Objections to the Joint Committee Report submitted in this matter as under:

1. The Joint Committee had been mainly constituted by Hon'ble National Green Tribunal, Principal Bench, New Delhi in the O.A. No. 180/2022 related with the pollution caused by M/s Hiranyakeshi SSK Ltd, Sankheshwar, Taluka-Hukkeri, District Belagavi for discharging its molasses in the waters of Hiranyakeshi River thereby polluting the river and groundwater causing great loss and posing serious health hazards to the inhabitants, the cattle and others dependent on river water for agriculture and other purpose. Therefore, the observations in respect of M/s Hiranyakeshi SSK Niyamit, Sankheshwar, Hukkeri, Belagavi are more important than unnecessary making M/s Appasaheb Nalawade GTSSK Ltd.-Party Respondent.

In fact, Hon'ble NGT. SZ Bench has taken Suo Motu decided to implead the Karnataka State Pollution Control Board as Respondent No.6 and directed to inspect the location and take water samples analyze the same and furnish the report with lab analysis report vide Order dated 01-12-2023. However, no proper representation is made on behalf of the Karnataka State Pollution Control Board on last date of hearing on 09-01-2024. Hence, the Hon'ble NGT.SZ Bench has specifically observed in its Order dated 09-01-2024 that in case no proper representation is made in the said matter, serious view will be taken on next date of hearing on 20th February, 2024. A copy of the said Order dated 09th January, 2024 is enclosed herewith & marked as an Annexure-A. Therefore, it is submitted that since the R.N. 1 was not necessary respondent before Hon'ble NGT, SZ Bench in the O. A. No.143 of 2023SZ & also in the present matter before this Hon'ble Tribunal for reasons stated hereinafter.

2. In fact, the KSPCB had already initiated certain actions against M/s Hiranyakeshi SSK Ltd, Sankheshwar, Taluka-Hukkeri, District Belagavi for discharging its molasses in the waters of Hiranyakeshi River thereby polluting the river and groundwater as per the Joint Committee Report including the Notice of Proposed Directions dated 24-01-2019 & Prohibitory Order dated 23-07-2019 having 2 additional lagoons, having inadequate ETP- which needed upgradation and was found to be discharging effluent into Hiranyakeshi-

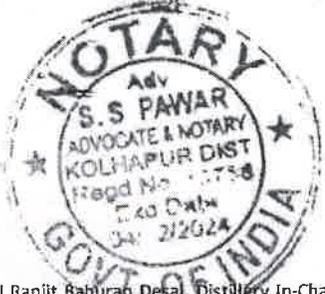
No. Of Corrections on this page- 10



- It is surprising that M/s Hiranyakeshi SSK Ltd, Sankheshwar, Taluka-Hukkeri, District Belagavi though M/s Hiranyakeshi SSK is the responsible for causing pollution of Hiranyakeshi River nearby Sankheshwar, Taluka-Hukkeri, District Belagavi thereby polluting the river and groundwater causing great loss and posing serious health hazards to the inhabitants, the cattle and others dependent on river water for agriculture and other purpose the Applicant has unnecessary filed present O.A. No. 50 of 2023WZ on the similar allegations which are made before Hon'ble NGT, Southern Zone Bench, which can not be treated as the substantial question of pollution. Whatever, Proposed Directions were issued on 29-12-2017 & 07-07-2021 have already been replied by taking effective steps to comply with the points raised therein.
3. The samples collected at Harali Village at Right Bank, Center of the River etc. can not be attributed to the discharge of the Respondent-Appasaheb Nalawade GTSSK Ltd., because during last season it was not in operation. BOD – Concentration at all Monitoring Locations at Page No.5 appears to be less than 6 mg/l and may not be treated as polluted strcthe/s.DO appears to be normal. (9/30 & 11/30)
 4. Fisheries Department Report at Annexure-III of Joint Committee states that as per the documents available with it for the year 2016-17 to 2022-23 no complaint or statement is available regarding Hiranyakeshi River Pollution. (28/30)
 5. The Analytical Results of Samples collected near culvert adjacent to compost yard of R.N.1 at Harali village, Gadhinglaj Taluka at No 251 dated 06-06-2022, 252 Sample collected from unlined pit behind ETP at Harali-Village on 06-06-2022 shown to be exceeding. In fact, these accumulated small quantity of water with rain water may not be treated as discharge because the R.N.1 was not in operation at that time and also for that particular season, which accumulated water subsequently taken up to ETP & then for Composting. (13/30)
 6. Annexure-II at 18/30 is Report of Technical Officer, District Superintending Agriculture Officer dated 21-06-2022. It states that the Water Quality of Village Terani, Dundage, Manwad, Channekuppi, Taluka- Gadhinglaj in 2017-18 is suitable for agriculture with proper precaution and the water quality of village Manwad & Channekuppi is moderate for use of agriculture. The Agriculture Department Report shows concentration of NPK Moderate & Normal except less concentration of nitrogen. For the said results, R.N. 1 can not be made responsible of nitrogen less.
 7. The Analysis Reports of Water for 2017-18 at last page show C3S1 that is use it carefully. (30)
 8. The Respondent-No.1 was not in operation for the Season -2022-23 for which documentary evidence is already enclosed at pages-131-134. In view of the above submissions, the R.N.1 is entitled for discharge from this proceeding by passing appropriate order in this behalf. Solemnly affirmed on this 21st day of 2024 at Gadhinglaj

For and On - behalf of Respondent No.1.


(Ranjit Baburao Desai)



VERIFICATION

I Ranjit Baburao Desai, Distillery In-Charge and Authorized Signatory of the Respondent No.1 state on solemn affirmation that the contents of paragraphs 1 to 8 of this Affidavit are true & correct to the best of my knowledge & belief.

Dated this 30th January, 2024 at Gadhinglaj.

[Signature]
(Ranjit Baburao Desai)

IDENTIFIED BY

[Signature]
Kishan D. Dhawade
of Gadhinglaj

solemnly affirmed before me

Who is identified before me

by Kishan D. Dhawade of Gadhinglaj
Whom I personally know

this 13th JAN of 2024

[Signature]

S. S. PAWAR
Advocate & Notary
Dawar's Colony, GADHINGLAJ,
Dist. Kolhapur - 416 502.
M.7218431551, 9422581268

13 JAN 2024 Notary Regl. Sr. No- 335

2024



No. Of Corrections
on this page - *Nil*

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National Green Tribunal

Case Title	SHAHU SHIVAJI MOKASHI Vs. STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY DEPT OF AGRICULTURE FISHERIES
Miscellaneous No.	2704138002422023/3
Transaction id	2700410018322024
Bank Transaction id	0102240027422
Payment Date	2024-02-01 00:00:00.0
Amount	100 Rs.
Status	SUCCESS

S. No.	File Name	Party Name	Location	Document Type
1	Additional Affidavit.pdf	M/S APPASAHEB NALWADE GADHINGLAJ TALUKASSK LTD.	PUNE (WESTERN ZONE BENCH)	Reply