

NEXT DATE
30/01/2024

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

APPLICATION NO. 143/2017 (WZ)

Kushabapu Raghunath Pawar **Applicant**

VERSUS

Padmashree Dr. Vitthalrao Vikhe **Respondents**
Patil Sahakari Sakhar Karkhana
Ltd. Pravaranagar

OBJECTIONS FILED BY THE RESPONDENT NO.1
M/S.PADMASHREE DR. VITTHALRAO VIKHE PATIL
SAHAKARI SAKHAR KARKHANA ON LAW POINTS
AND MERIT TO THE JOINT COMMITTEE VISIT
REPORT DATED 12/09/2022 (VISIT ON 18/07/2022)
AND WRITTEN SUBMISIONS IN RESPECT OF ALL
THE DOCUMENTS ON RECORD

Date: **28/10/2023**

Place: Thane

Filed by:



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Raghunath Mahabal रघुनाथ भालचंद्र महाबळ
BE (Mechanical), ME (Industrial Management) VJTI Mumbai
Chartered Engineer, FIE, Arbitrator-IIE, LLM **ADVOCATE**

ALONG WITH ADVOCATE ASEEM SARODE

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CONTACT DETAILS OF PARTIES

BETWEEN

..... APPLICANTS

1. **Shri. Kushabapu Rangnath Pawar (Dead)**

2. **Shri. Dadasaheb Kushabapu Pawar**

R/O.: Village Tambhere

Taluka-Rahuri, District-Ahmednagar

Email :

Phone :

VERSUS

..... RESPONDENTS

1. **Padmashree Dr. Vitthalrao Vikhe
Patil Sahakari Sakhar Karkhana Ltd.**

Pravaranagar - 413712,

Taluka Rahata, District Ahmednagar.

Thro' : MD, Shri. Amol T. Patil

Email : legal.pravara@gmail.com

Phone : 8600226666,9767176979

2. **Maharashtra Pollution Control Board,**

Kalpataru Point, 3rd and 4th Floor,

Near Sion Circle, Opp. Cine Planet,

Sion Circle, Mumbai-400032

Thro' : Member Secretary

Email : ms@mpcb.gov.in

Phone : 022-24020781

DIARY OF EVENTS

Sr	Date	Event
1.	2014	Alleged dispensing of compost / spent-wash in Plot No. 512
2.	03/08/2016	Final Order of Labour Court accepting compensation paid
3.	06/04/2016	Bursting of Molasses Tank
4.	30/01/2020	Renewal of Consent to Operate
5.	03/05/2020	Compensations paid
6.	17/06/2021	Distillery Expansion for 60 KPLD to 240 KPLD
7.	21/06/2021	Clarification regarding Distillery Expansion for 60 KPLD to 240 KPLD
8.	30/07/2021	Application for 'Environmental Clearance' to MoEFCC
9.	03/08/2017	Filing of OA 143/2017 (WZ) by Applicant
10.	08/12/2021	Environmental Clearance letter
11.	24/03/2022	Consent to Establish Expansion for 148 KPLD Molasses base Distillery Unit
12.	06/04/2022	NGT Principal Bench Daily Order taking cognizance of molasses tank bursting
13.	18/07/2022	Joint Committee Visit
14.	30/08/2022	Renewal of Consent to Operate for 60 KPLD Molasses base Distillery Unit
15.	03/09/2022	Yearly Distillery Production Report
16.	12/09/2022	Joint Committee Report
17.	28/11/2022	Environmental Clearance
18.	17/10/2023	Rs.5000/- paid to Western Zone Bar Council by NEFT Transfer

ABBREVIATIONS

Short	Full-form
BOD	Bio Chemical Oxygen Demand
CCR	Certified Compliance Report
CO	Collector Office
COD	Chemical Oxygen Demand
CPCB	'Central Pollution Control Board'
CPU	Condensate Polishing Unit
CREP	Corporate Responsibility for Environmental Clearance
CTE	Consent to Establish
CTO	Consent to Operate
DISH	Assistant Director Industrial safety & Health
EAC	Environmental Appraisal Committee of MoEFCC New Delhi
EC	Environment Clearance
ECA	Employees Compensation Act 1923
ED	Executive Director
EIA	Environmental Impact Assessment
EPA	'Environment (Protection) Act 1986'
EPF	Employees' Provident Fund
ESIC	Employees' State Insurance Corporation
ETP	Effluent Treatment Plant
JC	Joint Committee
JCR	Joint Committee Report
JMFC	Judicial magistrate First Class
KLPD	Kilo-litres per day = m ³ /day
KLPD	Kilo Litre Per Day
LSI	Large Scale Industry
MEE	Multi Effect Evaporator
MoEFCC	Ministry of Environment Forest Climate & Change, Government of India

Short	Full-form
MPCB	'Maharashtra Pollution Control Board'
MSIHCR	Manufacture, Storage, and Import of Hazardous Chemicals Rules 1989
MT	Metric Ton
MVA	Motor Vehicle Act 1988
NGT	National Green Tribunal
NGT	National Green Tribunal
OA	Original Application
PB	Principal Bench of NGT New Delhi
PIL	Public Interest Litigation
PP	Project Proponent
RD	Regional Directorate
RO	Regional Officer, MPCB
ROP	Reverse Osmosis Plant
RTI	Right to Information
RTO	Regional Transport Office
SC	Supreme Court of India
SPCB	State Pollution Control Board
SRO	Sub-Regional Officer, MPCB
SSK	Sahakari Sakhar Karkhana
TCD	Tons of Cane per day
ToR	Terms of Reference
WCA	Workers Compensation Act 1923
WP	Writ Petition
WZ	Western Zone, National Green Tribunal
ZLD	Zero Liquid Discharge
ZP	Zilla Parishad

MOST RESPECTFULLY SUBMITTED

**OBJECTIONS FILED BY THE RESPONDENT NO.1
M/S.PADMASHREE DR. VITTHALRAO VIKHE PATIL
SAHAKARI SAKHAR KARKHANA LTD. ON LAW
POINTS AND MERIT TO THE JOINT COMMITTEE VISIT
REPORT DATED 12/09/2022 (VISIT ON 18/07/2022)
AND WRITTEN SUBMISIONS IN RESPECT OF ALL
THE DOCUMENTS ON RECORD**

OBJECTIONS ON LAW POINTS

1. The answering Respondent No. 1 M/s Padmashree Dr. Vitthalrao Vikhe Patil Sahakari Sakhar Karkhana (hereafter referred to as Respondent) through Managing Director, Mr. Amol Patil, submits their objections to one JCR and other submissions in this matter on law point and merit.

2. The Respondent states that the following objections are on the law points, and hence the same can be raised even now. Respondent is entitled to and most humbly seeks adjudication on law points and so also on merit thereafter.

NON-JOINDER OF NECESSARY PARTIES:

3. The applicant is having pomegranate farm at Gut No. 511, Village Tambhere, Taluka Rahuri, District Ahmednagar. The principal allegation of the applicant is that

something like spent wash/compost was disposed of in the year before 2014 on adjoining Gut No.512, which has damaged crop on applicant's Gut No.511.

4. However, the farmer-owner of the Gut No. 512 was not joined as the necessary Respondent. Because it is relevant and important as to whether Gut No. 512 did dispose of anything in his farm/plot and that was taken from Respondent No.1 and whether that has ever damaged his own land? Respondent states that this was deliberately done as nothing happened to farm/plot of Gut No.512 and this important fact was suppressed by the applicant.

SUPPRESSION OF MATERIAL FACTS AND APPROACHING THE HON'BLE TRIBUNAL WITH UNCLEAN HANDS:

Applicant on verification and oath has suppressed many relevant, material and related facts in the OA. Applicant in the OA has Not disclosed that he has filed the complaint before the NGT in the past in the year 2014 and the same was disposed of by the Registry. Thereafter this complaint has been filed before Hon'ble Tribunal WZ Pune after almost lapse of 3 years.

PLURAL CAUSES NOT ALLOWED IN ONE OA

5. The Original Application No. 143/2017 (WZ) was having the ***only one cause of action*** as recorded in the opening Daily Order dated 18/08/2017, in presence of the Advocate of the Applicant.

Grievance is made regarding unlawful spillage of spent wash in the land bearing Gut No.512 adjacent to Respondent's land bearing Gut No.511 of village Tambhere, Taluka Rahuri, District Ahmednagar, and for restitution of environment.

6. The OA was filed on 03/08/2017. Thereafter hearings were taken on various dates 14/09/2017, 10/10/2017, 08/09/2017, 22/12/2017, 03/01/2018, 10/07/2018, 05/08/2021, 13/09/2021 and 10/11/2021. On none of these hearing dates for over four years, the issue of bursting of molasses tanks was taken-up before the Hon'ble Tribunal, Western Zone Bench, Pune.

7. The incidence of falling/bursting (कोसकून) of the molasses tank no. 2 took place on **06/04/2016** at about between 9.30 to 11 am, which is 16 months prior to filing this OA; however, this incidence was not raised as **the cause of action** in OA or during any of the earlier hearings as late as on 06/04/2022, i.e. after the period of almost Six (6) years from the date of incidence.

8. Tank bursting is totally separate unrelated cause of action, at quite different point in time. This being an independent incidence, can't be clubbed, considered and adjudicated in this already filed OA. **NGT Rule 14** specifically **bars for raising plural causes in the same Application OR Appeal.**

ISSUES RAISED ARE BARRED BY PERIOD OF LIMITATION

9. As this issue of bursting of molasses tank occurred on **06/04/2016** & the same is raised after the period of almost **six years during the hearing on 06/04/2022**, the extended period of limitation, that can be even condoned has been exceeded by the Hon'ble Tribunal, Principal Bench.

10. There is no damage to environment OR restoration of environment, that has been sought from the incidence of molasses tank bursting. The issue being examined and taken-up by the JCR is about the individual compensation, for which no aggrieved person has come forward OR applied in the last 6 years. The various lawful orders passed by the respective competent authorities and Courts of law have reached their finality.

ILLEGAL ORDER BY PRINCIPAL BENCH

11. Hon'ble High Court of Bombay, Bench at Goa by final judgment and detailed order of 41 pages dated **21/09/2022** in **PIL WP No. 4/2022** has already held the transfer and hearing of the Western Zone matters by the Principal Bench, as bad in law and inappropriate. [Para 46, 47 54 and **55 – "... In fact, this is a complete usurpation of jurisdiction of the Western Zonal Bench, and it fails every test of law and judicial review."**]

12. The **Daily Order dated 06/04/2022** came to be passed by the Hon'ble National Green Tribunal, Principal

Bench, Delhi expanding the scope of the original OA, which is also illegal in light of above Hon'ble High Court order and error on limitation and merit as well. Even then, the OA was not subsequently amended to include the facts, grounds, pleadings and prayers, so that Respondent could have opposed them on merit and law points, both.

13. The Joint Committee was appointed by the very same Daily Order of the Principal Bench, by travelling beyond the OA and the Cause of Action raised during hearing, which was barred by limitation. Hence all subsequent JCR observations that go beyond the OA, can't be entertained and adjudicated in this application.

14. The Respondent states that this OA is not yet amended in terms of facts, grounds, pleadings and prayers. As such Respondent most respectfully presses that this Hon'ble Tribunal shall not take cognizance of the causes and prayers outside the OA.

15. Hon'ble Tribunal PB New Delhi never asked the JC to re-look the compensation paid. JCR Point No. 1.0 Page 2, extract is as follows. **Hon'ble Tribunal never directed to re-evaluate the appropriateness of the compensation paid.**

“ directed to undertake visit to the site, Interact with the stakeholders Including the PP and ascertain status of compliance of environmental and safety norms and also status of payment of compensation to the heirs of the deceased and to the injured and to furnish a report to this Tribunal.

It was also directed to ascertain whether the unit is required to and following Zero Liquid Discharge (ZLD) norms for the spent wash. “

BAR ON EFFECT OF OTHER ACTS

16. The death of the workmen is specifically covered by '**The Workmen Compensation Act 1923**' which aims to provide financial compensation to employees in case they meet with an unfortunate accident while performing their duties. All employees working full-time, part-time, temporarily or casually are liable to receive financial protection under this law.

The '**Environment (Protection) Act 1986**' s.24(2) specifically deals with **“(2) Where any act or omission constitutes an offence punishable under this Act and also under any other Act then the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.”**

17. When the EPA 1986 itself excludes the act or omissions from others Acts, there is no question of Hon'ble Tribunal entertaining such excluded act/cause for adjudication of the same.

18. When there is express specific '**Employee's Compensation Act 1923**' (ECA) governing the compensation to be paid to worker in case of death or accident of an employee, no other Judgement OR would be applicable overriding the provisions of the applicable Act.

There is can't be estoppel against the law, even by the precedence of NGT order/judgement, that too which was without considering this law point, and in the specific of case.

OUTSOURCING OF ADJUDICATION TO EXPERT COMMITTEE

19. The JCR findings are unacceptable and amounts to sub-contracting OR outsourcing to JC of the judicial work, that too without statutory authority and contrary to powers given to Hon'ble Tribunal. JCR can be merely a fact-finding committee and nothing beyond that. Adjudication can't be assigned to JC, particularly when the issue has been dealt by respective authorities and JMFC.

PRINCIPALS OF NATURAL JUSTICE

20. JC could not have given its findings without hearing the Respondent on merit and law points. JC never heard the Respondent on the issues being examined by them AND the proposed findings they have stated in their JCR.

JC NOT QUALIFIED FOR TASK ASSIGNED

21. JC was not qualified or authorized to give its findings on the issue of compensation. It comprises of the CPCB and MPCB employees/officers who have no qualification and experience of determining the compensation in case of fatal accidents of an employee of a company.

LOCUS STANDI OF THE APPLICANT

22. The applicant has not been authorized by any of the affected persons in the tank bursting accident

23. **The applicant has not filed the Form-II** for seeking compensation, after due and proper authority from the diseased person/s or the injured person/s.

24. The only issue could have been raised in OA is compensation for damage to environment and restoration, by Respondent ONLY IF it was in limitation period and there was some established connection between allegations made and evidence to that effect.

25. The deceased OR injured victims of accident have not authorized applicant to represent them before any other forum.

26. The victims, legal heirs and the injured persons are satisfied with the lawful compensation that they got. This fact has been categorically recorded by the JC in is JCR.

DOUBLE JEOPARDY

27. The Respondent states that issue of death and injury to employees have been already dealt with by the competent statutory authorities. The same has been already satisfactorily supervised and adjudicated through the legal process. The final order has been passed in the matter and the compensation has been paid to the victims.

28. The reopening of the matter for the same mishap or act or omission, that has been lawfully concluded, will be double jeopardy to the Respondent.

29. Respondent states that NGT can and only should enter in the area of compensation to victims of pollution, damage due to environment and damage to aggrieved persons who have *locus standi* if the application is filed in Form-II as stipulated in the NGT Act and Rules.

30. Respondent states that even with noble intentions, Hon'ble Tribunal can't enter in to adjudication of accident cases not resulting in damage to environment and persons AND if they are covered by other Acts. The formal statutory Courts and mechanism has been established for that purpose by those specific statutes.

REFERENCE TO IRRELEVANT JUDGEMENTS

31. The JC has gone beyond and erred in referring to Judgements of the Hon'ble Supreme Court while computing the compensation.

32. These judgements are in reference of the accidents by motor vehicle. Those victims do not have any employee-employer relationship.

33. The third party compensation is paid by the insurance companies for which vehicle owner has paid insurance premium separately and specifically as per the provisions of the '**Motor Vehicles Act 1988**' and hence the compensation is paid from that corpus by insurance

companies.

34. Respondent states that the third party road victim stands on different footing vis-à-vis the employee in a company, who is aware of the risks, trained to work in such atmosphere and company covers his welfare as per statutory rules such as PF, EPF, ESIC and additional benefits such as medical leave while under treatment, re-employment in the company after recovery, etc.

35. In the present case, there is specific WCA to cover such incidence, in case of an accident and death / injury due to that. The victim is compensated by additional alternative means such as employment to relative OR re-employment of the affected employees in the service.

36. As such the Judgements of Hon'ble Supreme Court referred by the JC are not applicable in this case. The facts of the accidents on road and facts of the accidents in the company are clearly separate distinguishable facts and hence are also specifically covered by two separate Acts.

POINT-WISE OBJECTIONS ON MERIT

2.0 DISCHARGE BY UNKNOWN TANKER

37. The allegation of the applicant is in respect of the **unknown tanker**. There is no correlation whatsoever of the tanker and its connection with the Respondent. Even after FIR and Police investigation, no nexux OR connection has been found.

38. There is no evidence to show that use of compost in Plot No. 512 has resulted in any damage to pomegranate farms in Plot No.511 at Village Tambhere, Taluka Rahuri, District Ahmednagar. **The land owners of Gut No. 512 have given the affidavits to be filed before this Hon'ble Tribunal regarding the same.** This was very important point, totally overlooked so far. [■ Ax. E]

39. **There is no evidence in any form that tanker OR its contents are from the Respondent.** The applicant is a chronic harasser and has filed large number of frivolous complaints in the various courts and forums against the Respondent. The regular criminal complaint has been lodged with the police who have not supported any linkage of the tanker with the Respondent.

3.0 CONSENT OF 92 KLPD

40. This issue is again arising beyond the OA and cause of action, not pleaded anywhere. It is not still there in the OA, facts, grounds, pleadings and prayers. Applicant can make the separate application, which would be entertained only if passes the rigour of law on the issue of limitation.

41. The JCR has already recorded on Page 7 Point No. 3.3 (2nd para) as follows. Both the separate distillery units of combined capacity of 32 + 60 KLPD having separate 'Consent to Operate', were already in existence prior to EIA Notification 2006. It is only that the combined 'Consent to Operate' was granted in 2008.

*In reply to aforesaid letter from MoEF & CC, MPCB made communication vide letter Ref No. BO/MPCB/MS-24 dated 21.06.2021 (Annexure-VII) informed that, the **Proponent has set up unit of 15 KLPD in 1970 which were expanded to 32 KLPD in 1975 prior to EIA Notification 2006.** Again, **PP had set up 60 KLPD unit and for Board had issued consent on 15.05.2002.** In 2008, Board had issued a combined/amalgamated consent for above said two units (32 KLPD+60 KLPD) quantifying to 92 KLPD.*

The other issues covered in JCR 3.4 to 3.8 are not related to OA or the directions issued to JC.

42. The Respondent had a unit of 32 KLPD. The industry had a new unit of 60 KLPD. These are two separate units. Both units were granted the Consent prior to EIA Notification of 2006. The amalgamated Consent of 92 KLPD was given, as both plants belong to same industry.

43. Now the EC application is pending before MoEFCC. This issue has been examined by MoEFCC and clarification has been given by MPCB. Thereafter, EAC MoEFCC is considering the application for expansion of distillery unit capacity total up to 240 KLPD. However, the earlier unit of 32 KLPD will be dismantled, as it is quite old.

5.0 MOLASSES TANK BURSTING INCIDENT

44. This falls under **Assistant Director Industrial safety & Health** (DISH). DISH is the competent authority under **Factory Act 1948** and **Maharashtra Factory Act**

1963. The *Manufacture, Storage, and Import of Hazardous Chemicals Rules 1989* are under 'Environment (Protection) Act 1986' and no suggestions have been made in the JCR.

45. This issue has not resulted in to any environmental issue that is falling under Acts under Schedule-I of the 'National Green tribunal Act 2010'.

46. The accident matter has been dealt with by the competent authorities namely DISH, Labour Court and JMFC, all. Their findings, orders and judgements have not been challenged by anyone till date. As such those have reached to its finality.

47. Hon'ble National Green Tribunal can't sit in Appeal over the same issue OR act now independently on the same issue which has been adjudicated and disposed of.

6.0 COMPENSATION TO VICTIMS

48. In this incident, 3 persons died (Male) and 9 persons (Mala) were injured. This was squarely covered by the WCA and therefore was dealt with accordingly by the competent authorities. The matter was disposed of through the Court after placing all records before the Labour Commissioner Ahmednagar and Hon'ble Labour Court.

49. The person found guilty was prosecuted in JMFC Rahata in SCC No. 2055/2016 by Judgement dated 23/01/2020. The guilty was fined Rs.45,000/-. The fine amount was deposited on 23/01/2020.

50. The compensation has been also paid on 03/05/2016 and approved by the '**Commissioner for Workmen's Compensation & Judge, Second Labour Court, Ahmednagar**' in Applications decided by order in Application (W.C.) No. 15, 17/2016 and 16/2016 on 03/08/2020 and 09/08/2016, **respectively**.

6.2.2.1 COMPENSATION, EMPLOYMENT TO DECEASED AND INJURED PERSONS

51. In the matter **OA 85/2020 (WZ) Aryavart Foundation**, the Hon'ble Tribunal has observed and stopped at by saying that;

"32. In view of frequent accidents resulting in deaths and injuries, the Chief Secretaries of all the States/UTs may evolve a mechanism to ensure that the companies dealing with hazardous substance must forthwith pay compensation for deaths and injuries to the victims at least as per Workmen Compensation Act, 1923 wherever applicable"

52. Hon'ble Tribunal has respectfully distanced itself from stepping over the jurisdictions carved out by legislature and assigned to other statutory authorities. Hon'ble Tribunal has refrained from usurping the jurisdiction under the pretext of environmental jurisprudence, when it is squarely covered by the other specific act and those not covered in the **Schedule-I** of the 'National Green Tribunal Act 2010'.

53. Hon'ble Tribunal has mentioned that the compensation must be paid to victims as per the Workmen

Compensation Act, 1923; which has been already paid by the Respondent.

54. Hon'ble Supreme Court AND other competent Courts have the jurisdiction over such issues. **Hon'ble National Green Tribunal doesn't have the jurisdiction for such issues, unless it is falling under Acts under Schedule-I.** Else each and every industrial accident will have to be dealt with by the Hon'ble Tribunal, which is not the intent and jurisdiction of the 'National Green tribunal Act 2010'.

55. Since there is no such jurisdiction to Hon'ble Tribunal itself, there is no question of assigning such a responsibility to JC. This JC can't adjudicate OR work as an outsourcing agency when the scheme of specific statutes are defined and different.

POINTS IN FAVOUR OF Respondent

5.3 SAFETY MEASURES ADOPTED

56. The JCR has taken note of the safety measures taken by the industry. Nothing additionally has been suggested in the JCR.

57. The JCR in Point No. 4.0 has taken note of compliance status. The minor deficiencies such as Point No.4.3 " ***The compost material was lying in compost yard which was not found fully covered during the rainy season.***" has been rectified. In the same Point JCR

also mentions that "***There was no traces of discharge of spent wash into nearby canal near lagoons and also into natural drain passing nearby the Industry and traversing towards River Pravara as observed during the visit.***"

'ENVIRONMENTAL CLEARANCE' FOR 240 KLPD

58. Respondent states that they have granted 'Environmental Clearance' on 28/11/2022 by the MoEFCC. The same is not challenged by anyone before any authority or Tribunal. As a matter of practice and procedure, the 'Certified Compliance Report' (CCR) is obtained from the Regional Office of MoEFCC Nagpur.

59. In light of all the facts stated hereinabove, it can be seen that the;

- a)** All allegations levelled in OA have been already dealt with in the earlier Affidavits by the Respondent.
- b)** The applicants farm is 10 km distance away (aerial) and 15 km by road from the Respondent industry.
- c)** MPCB has already mentioned that working of the Respondent industry is satisfactory and in compliance of the conditions of 'Consent to Operate'. Nothing has been found substantiating the allegations of the applicants.
- d)** Results of Krishi Vidyapeeth show that Applicant's

plantation at his Gut No. 511 has dried due to non-watering of plants.

- e) MPCB report states that no smell OR traces of spent wash are found in the soil samples.
- f) The compensation has been paid to victims of molasses tank bursting through the Industrial court and as per the Workers Compensation Act 1923.
- g) The application of the Respondent industry is before EAC-MoEFCC from 60 KLPD to 240 KLPD and the same is being dealt with as per the laid down procedure of EIA Notification 2006.
- h) The Respondent industry thereafter had the valid 'Consent to Operate'.
- i) The distillery unit of 32 KLPD is dismantled and is non-operative as of now. The JCR has already stated it.

60. The matter was first heard six years ago on 18/August/2017. All allegations in the OA are unfounded and without any substantive tenable evidence. The matter can't be kept open OR ever opening new fresh causes of action, which are absolutely not related to cause mentioned in the OA. The applicants are harassing the industry for no reason by filing more than 16 cases in the last 5-6 years, in various other courts. As such the final order of disposal on merit needs to be passed by recording all facts.

AND for this act of kindness, respondent as duty bound shall ever pray.

Ashe ×

Place: **Pune**

DEPONENT

Date: **28/10/2023**

Respondent No. 1

VERIFICATION AND AFFIDAVIT

I Shri. Amol T. Patil, age about 44 years, resident of the Pravaranagar, Taluka Rahata, District Ahmednagar, do hereby state that I have verified that the facts are true to my personal knowledge. I have not suppressed any material fact known to me and relevant to this matter. I have submitted this Affidavit on solemn affirmation and oath.

Ashe ×

Place: **Pune**

DEPONENT

Date: **28/10/2023**

Respondent No. 1

Identified by & before me:

Raghunath Mahabal



Advocate Raghunath Mahabal

887

BEFORE THE HONOURABLE
NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH PUNE

Application No. 143 / 2017 (WZ)

VAKALATNAMA

BETWEEN

Kushabapu Rangnath Pawar & Anr. **Applicant**

VERSUS

Padmashree Dr. Vitthalrao Vikhe Patil
Sahakari Sakhar Karkhana & Anr. **Respondent/s**

We/I hereby appoint the following Advocate/s to represent us/me and sign wherever required on our/my behalf.

Advocate R. B. Mahabal रघुनाथ भालचंद्र महाबळ

BE(Mech), ME(Prod)VJTI, CE, FIE, LLM, IIE Arbitrator, [MAH/349/2012]

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Phule Road, Mulund East, Mumbai-400081, Maharashtra.

Email: adv.rbmahabal@gmail.com Cell: 7400116222 📞

along with other associate Advocates that would be appointed by him.

ACCEPTED SUBJECT TO PAYMENT OF FEES.



Adv. R. B. Mahabal



Date: 21-10-2023

Place: Pune



Respondent No. 1x

Mr Amol Patil, MANAGING DIRECTOR
Padmashree Dr. Vitthalrao Vikhe Patil
Sahakari Sakhar Karkhana

NO OBJECTION

Shephali

REPORTABLE

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
GOA SEAT, AT PORVORIM
PIL WRIT PETITION NO. 4 OF 2022**

- 1. THE GOA FOUNDATION,**
Through its Secretary,
Dy. Claude Alvares, Age 73 years,
Having Regd. Office at Room No. 7,
Above Mapusa Clinic, Mapusa,
Goa 403 507,
PAN No. AAAAG0249C
Email id: goafoundation@gmail.com

... PETITIONER**~ VERSUS ~**

- 1. THE NATIONAL GREEN
TRIBUNAL, PRINCIPAL BENCH,**
Through the Registrar General,
Faridkot House, Copernicus Marg,
New Delhi 110001.
- 2. THE NATIONAL GREEN
TRIBUNAL, WESTERN BENCH,**
Through its Registrar, New
Administrative Building, 1st Floor,
B-wing, Opposite Council Hall,
Pune - 411001.
- 3. THE UNION OF INDIA,**
Through the Secretary, Ministry of
Environment, Forests & Climate
Change, Indira Paryavaran Bhavan,
Jor Bag Road, New Delhi - 110003.

4. **THE STATE OF GOA**
Through its Chief Secretary,
Secretariat, Porvorim, Goa 403521

... **RESPONDENTS**

APPEARANCES

FOR THE PETITIONER: Ms Norma Alvares, *with Mr Om*
GOA FOUNDATION *Dcosta.*

FOR RESPONDENTS NOS. 1 & 2: Mr Abhijeet Joshi, *with Ms Varsha*
NATIONAL GREEN TRIBUNAL *Sawant & Mr Namit V Loya.*
("NGT") AND NATIONAL GREEN
TRIBUNAL WESTERN BENCH

FOR RESPONDENT NO. 3: Mr Anil Singh, Addl. Solicitor
UNION OF INDIA *General, with Mr Aditya*
Thakkar & Ms Savita Ganoo,
i/b DP Singh.

FOR RESPONDENT NO. 4: Mr Deep Shirodkar, Addl.
THE STATE OF GOA *Government Pleader, with*
Ms Neha Shirodkar.

CORAM : DIPANKAR DATTA, CJ.,
G.S. PATEL &
M.S. SONAK, JJ.
(Hearing at Principal Seat
at Bombay through VC and
physical hearing)

RESERVED ON : 14th September 2022

PRONOUNCED ON : 21st September 2022

JUDGMENT (Per GS Patel J):-

1. Rule. By consent, Rule is made returnable forthwith.

2. The matter was first listed before a Division Bench (Chief Justice and MS Sonak J) at the seat of the Bombay High Court at Porvorim, Goa on 5th August 2022. After outlining the issue, the Bench was of the view that the matter could be more advantageously be heard by a Full Bench of three Judges. Hence the present Full Bench, which took up the matter at the principal seat since all three of us were presently in Mumbai.

3. This Public Interest Writ Petition is filed by the Goa Foundation, an environment NGO based in Goa, and represented by Ms Alvares. Over several decades, the Goa Foundation has approached this court and the Supreme Court in the public interest, litigating questions regarding environmental protection in various forms. The members of the Petitioner are all Indian citizens. We are satisfied with the bona fides of the Petitioner, and, indeed, these are not questioned in the Writ Petition.

4. The Petition assails administrative notices dated 6th September 2021 (page 130), 4th January 2022 (page 132), 11th April 2022 (page 133A) and 27th April 2022 (page 133B) and 26th August 2022 (page 227 of the Petitioners' Affidavit dated 8th September 2022).¹ The last of this was noticed after Affidavits came in. We grant leave to amend to include a challenge to the 26th August 2022 notice, without need of reverification. The amendment is to be effected in two weeks from the date this judgment is pronounced. We allow the

1 There is some duplication in the Affidavits in Reply on behalf of the 1st and 2nd Respondents and the further Affidavit filed by the Goa Foundation. Our references in this judgment are to the Affidavits and their page numbers, both.

additional challenge because the fifth notice is of a class with the other four notices.

5. Briefly stated, Ms Alvares's case is that these five notices taken together have resulted in cases from Goa that were being heard by the Western Zonal Bench of the National Green Tribunal ("NGT") at Pune being abruptly taken up, for no good reason and without clarity as to which case would be taken and when, by a so-called "Special Bench" sitting in New Delhi, and comprising members of the Northern Bench joined on VC by members of the Western Zonal Bench. There is no power, she submits, for the Chairperson of the NGT to issue such directions or orders. There is no superior or governing seat or bench. Nothing in the National Green Tribunal (Practice and Procedure) Rules 2011 ("**the Procedure Rules**") or in the National Green Tribunal Act, 2010 ("**the NGT Act**") permits this. Every one of these notices is explicitly said on its face to be a 'notice', not an order. Each is said to have been issued by a "Competent Authority", without identifying that authority; and neither the NGT Act nor the Procedure Rules speak of any such 'Competent Authority'.

6. That these are administrative directions or notices is accepted in the Affidavit in Reply filed on behalf of the NGT (the 1st and 2nd Respondents collectively), which describes them as "office orders/notices". In other words, all five notices are issued without underlying any petition, application, or judicial proceeding.

7. We note this at the forefront because Mr Joshi, learned Advocate for the NGT raises a preliminary objection as to maintainability. He relies a decision of the Supreme Court in *Union of India v Alapan Bandyopadhyay*.² Mr Joshi's submission is that since the impugned notices emanated from the Northern Zonal Bench, claimed to be "the Principal Bench" of the NGT, therefore, this Court does not have the territorial jurisdiction to entertain the Petition. His submission is that *Bandyopadhyay*'s ratio is that it is only the High Court which has territorial jurisdiction over the notice-issuing bench that can entertain a petition such as this one. In the present case that would be the Delhi High Court. He emphasizes paragraphs 40 to 44 of *Bandyopadhyay*:

"40. The law thus declared by the Constitution Bench cannot be revisited by a Bench of lesser quorum or for that matter by the High Courts by looking into the bundle of facts to ascertain whether they would confer territorial jurisdiction to the High Court within the ambit of Article 226 (2) of the Constitution. We are of the considered view that taking another view would undoubtedly result in indefiniteness and multiplicity in the matter of jurisdiction in situations when a decision passed under Section 25 of the Act is to be called in question especially in cases involving multiple parties residing within the jurisdiction of different High Courts albeit aggrieved by one common order passed by the Chairman at the Principal Bench at New Delhi.

41. The undisputed and indisputable position in this case is that the WPCT No.78/2021 was filed to challenge the order dated 22.10.2021 in P.T.No.215/2021 of the Central Administrative Tribunal, Principal Bench at New Delhi, (by the Chairman of the Tribunal in exercise of the power under

Section 25 of the Act sitting at the Principal Bench) transferring O.A.No.1619/2021 to its files. On applying the said factual position to the legal exposition in L. Chandra Kumar's case (supra) it is crystal clear that the Principal Bench of the Central Administrative Tribunal at New Delhi, which passed the order transferring O.A.No.1619/2021 vide order in P.T.No.215/2021 falls within the territorial jurisdiction of High Court of Delhi at New Delhi.

42. Needless to say that the power of judicial review of an order transferring an Original Application pending before a Bench of the Tribunal to another Bench under Section 25 of the Act can be judicially reviewed only by a Division Bench of the High Court within whose territorial jurisdiction the Bench passing the same, falls. In fact, the decision in *Bhavesh Motiani's* case (supra), relied on by the respondent is also in line with the said position as in that case also, as against the order of transfer passed under Section 25 of the Act by the Principal Bench of the Central Administrative Tribunal at New Delhi Writ Petition was filed by the aggrieved party only before the High Court of Delhi. This is evident from the very opening sentence of the said judgment, which reads thus:

“The present petition has been filed being aggrieved by order dated 30.11.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the ‘Tribunal’), by the O.A.No.421/2018 pending before the Ahmedabad Bench has been transferred to the Principal Bench of the Tribunal.”

43. In the instant case, the High Court at Calcutta has usurped jurisdiction to entertain the Writ Petition, viz., WPCT No.78/2021, challenging the order passed by the Central Administrative Tribunal, New Delhi, in P.T.No.215/2021, even after taking note of the fact that the

Principal Bench of the Tribunal does not lie within its territorial jurisdiction.

44. In the circumstances, based on our conclusion the impugned judgment and final order in WPCT No.78/2021 passed by the High Court at Calcutta is to be held as one passed without jurisdiction and hence, it is ab initio void. Accordingly, it is set aside. The writ petition being WPCT No.78/2021 filed before the High Court at Calcutta is accordingly dismissed, however, with liberty to the petitioner therein/the respondent herein to assail the same before the jurisdictional High Court, if so advised.”

8. We do not believe that the objection to maintainability is well taken. The facts in *Bandyopadhyay* were peculiar. The question arose in respect of tribunals created under Articles 323-A and 323-B of the Constitution of India, quite unlike a statutory tribunal such as a NGT constituted its own statute, the NGT Act. But that is not all. What was in question before the Supreme Court was a *judicial* pronouncement, and where — before which High Court exercising writ jurisdiction — such an order could be challenged. Bandyopadhyay, a former Chief Secretary of West Bengal, (since superannuated), filed an Original Application challenging certain disciplinary proceedings initiated against him. He filed this OA before the Kolkata Bench of the Central Administrative Tribunal (“CAT”). While that OA was pending before the Kolkata bench of the CAT, the Union of India moved a transfer petition under Section 25 of the Administrative Tribunals Act, 1985 seeking a transfer of the OA from the Kolkata Bench to what is undoubtedly the Principal Bench of the CAT at New Delhi. The transfer Petition was allowed, and the OA was then taken up and heard by the Principal Bench in

New Delhi, which disposed of the OA by an order of 22nd October 2021.³ What Bandyopadhyay next did was to challenge that final order passed on his OA by the New Delhi bench in a Writ Petition before the *Calcutta* High Court. On 29th October 201, the Calcutta High Court allowed the Writ Petition and set aside the New Delhi CAT Bench's order of 22nd October 2021.⁴ The Union of India challenged the Calcutta High Court's order of 29th October 2021 before the Supreme Court — and this resulted in the decision that Mr Joshi cites.

9. The situation therefore was this: Bandyopadhyay initiated his OA before the Kolkata Bench of CAT. The Union of India sought its transfer to the Principal Bench at New Delhi. That was allowed. Having received an adverse order from the Principal Bench in New Delhi, Bandyopadhyay then challenged that final order (by the New Delhi Bench of the CAT) before the Calcutta High Court. This was the factual conspectus before the Supreme Court, and it is at a considerable remove from undisputed facts of the present case where there neither a transfer petition, application, or judicial proceeding of any kind, nor a judicial order, but only administrative (or “office”) directions or notices. None of the notices impugned in this Petition have any of the essential ingredients of a judicial order — the institution of a proceeding, notice to the opponent, hearing of both sides and then an order on merits.

3 *Public Grievances & Pensions v Alapan Bandyopadhyay*, 2021 SCC OnLine CAT 3242.

4 *Alapan Bandyopadhyay v Union of India*, 2021 SCC OnLine Cal 2793.

10. In *Bandyopadhyay*, the Supreme Court relied on its earlier decision in *L Chandra Kumar v Union of India*,⁵ particularly paragraph 99, for the proposition that decisions of tribunals are subject to scrutiny before the Division Bench of the High Court within whose jurisdiction the tribunal concerned falls. Far from being in Mr Joshi's favour, this is actually against him; for *L Chandra Kumar* speaks clearly of a *decision*. It is in this context that *Bandyopadhyay* must be understood. It is well settled that a decision is only an authority for what it actually decides.⁶

11. We do not think it is permissible to accept an argument such as the one canvassed by Mr Joshi. Indeed, we do not believe that such was or could have been the intention of the Supreme Court in *Bandyopadhyay*, for the simple reason that if extended as Mr Joshi would have us do, the result would be an evisceration of the entirety of Article 226(2) of the Constitution of India even in matters of *judicial review of administrative action*, which this Petition undoubtedly is. We quote Article 226(1) and (2):

“226. Power of High Courts to issue certain writs.—

(1) Notwithstanding anything in article 32, every High Court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority including in appropriate case, any

5 (1997) 3 SCC 261.

6 *Goodyear India Ltd v State of Haryana*, (1990) 2 SCC 71; *State of Orissa v Mohd Illiyas*, (2006) 1 SCC 275; *Sarva Shramik Sanghatana (KV) v State of Maharashtra*, (2008) 1 SCC 494; *Bhuwalka Steel Industries v Bombay Iron & Steel Labour Board & Anr*, (2010) 2 SCC 273; *Jitendra Kumar Singh v State of UP*, (2010) 3 SCC 119. The principle was enunciated over a century ago by the House of Lords in *Quinn v Leathem*, 1901 AC 495 (HL).

Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for nay other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”

(Emphasis added)

12. Even within the *Bandyopadhyay* case itself, there is an internal or intrinsic clue to support our view. In paragraph 20, the Court said, in the context of Article 226(2), that the law on that aspect was settled by the Supreme Court decisions in *Kusum Ingots & Alloys Ltd v Union of India & Anr*,⁷ *Nawal Kishore Sharma v Union of India & Ors*,⁸ and *Navinchandra N Majithia v State of Maharashtra*.⁹ Each of these authorities related to judicial review of executive action.

13. In *Majithia*, a writ petition was filed in this court to quash a criminal complaint filed in Shillong. The Supreme Court held that this court erred in dismissing the writ petition on the ground that it had no jurisdiction. In paragraph 27, the Supreme Court in *Majithia* held:

7 (2004) 6 SCC 254.

8 (2014) 9 SCC 329.

9 (2000) 7 SCC 640.

27. Tested in the light of the principles laid down in the cases noted above the judgment of the High Court under challenge is unsustainable. **The High Court failed to consider all the relevant facts necessary to arrive at a proper decision on the question of maintainability of the writ petition, on the ground of lack of territorial jurisdiction. The Court based its decision on the sole consideration that the complainant had filed the complaint at Shillong in the State of Meghalaya and the petitioner had prayed for quashing the said complaint. The High Court did not also consider the alternative prayer made in the writ petition that a writ of mandamus be issued to the State of Meghalaya to transfer the investigation to Mumbai Police. The High Court also did not take note of the averments in the writ petition that filing of the complaint at Shillong was a mala fide move on the part of the complainant to harass and pressurise the petitioners to reverse the transaction for transfer of shares. The relief sought in the writ petition may be one of the relevant criteria for consideration of the question but cannot be the sole consideration in the matter.** On the averments made in the writ petition gist of which has been noted earlier it cannot be said that no part of the cause of action for filing the writ petition arose within the territorial jurisdiction of the Bombay High Court.

(Emphasis added)

14. In paragraph 9 of *Nawal Kishore Sharma*, the Supreme Court said:

9. The interpretation given by this Court in the aforesaid decisions resulted in undue hardship and inconvenience to the citizens to invoke writ jurisdiction. As a result, clause (1-A) was inserted in Article 226 by the Constitution (Fifteenth) Amendment Act, 1963 and subsequently

renumbered as clause (2) by the Constitution (Forty-second) Amendment Act, 1976. The amended clause (2) now reads as under:

“226. Power of High Courts to issue certain writs.—(1) Notwithstanding anything in Article 32, every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories, directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.

(3)-(4)***”

On a plain reading of the amended provisions in clause (2), it is clear that now the High Court can issue a writ when the person or the authority against whom the writ is issued is located outside its territorial jurisdiction, if the cause of action wholly or partially arises within the court's territorial jurisdiction. Cause of action for the purpose of Article 226(2) of the Constitution, for all

intent and purpose must be assigned the same meaning as envisaged under Section 20(c) of the Code of Civil Procedure. The expression cause of action has not been defined either in the Code of Civil Procedure or the Constitution. Cause of action is bundle of facts which is necessary for the plaintiff to prove in the suit before he can succeed. The term “cause of action” as appearing in clause (2) came up for consideration time and again before this Court.

(Emphasis added)

15. Later, in paragraph 12, the Supreme Court in *Nawal Kishore Sharma* relied on *Kusum Ingots* to say:

12. In *Kusum Ingots & Alloys Ltd. v. Union of India* [(2004) 6 SCC 254], this Court elaborately discussed clause (2) of Article 226 of the Constitution, particularly the meaning of the word “cause of action” with reference to Section 20(c) and Section 141 of the Code of Civil Procedure and observed: (SCC p. 259, paras 9-10)

“9. Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved before the petitioner can obtain a decree is

the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, *indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.*”

(Emphasis added)

The Supreme Court in *Nawal Kishore Sharma* also said:

Their Lordships further observed as under: (*Kusum Ingots & Alloys Ltd.* case [(2004) 6 SCC 254] , SCC p. 264, paras 29-30)

“29. In view of clause (2) of Article 226 of the Constitution of India, now if a part of cause of action arises outside the jurisdiction of the High Court, it would have jurisdiction to issue a writ. The decision in *Khajoor Singh [Lt. Col. Khajoor Singh v. Union of India, AIR 1961 SC 532]* has, thus, no application.

16. This clearly shows that what was before the Court in *Bandyopadhyay* was an entirely distinct set of circumstances. The case at hand is closer to *Majithia*, *Nawal Kishore Sharma*, and *Kusum Ingots*. For the cause of action in the present Petition is clearly within the jurisdictional remit of this Court: wherever the impugned notices may have been issued, the situs of the origin of those notices is immaterial and by no means jurisdictionally determinative. The effect of the impugned notices is directly on the Western Zonal Bench and those litigating before that Bench.

17. When a Writ Court is tasked with judicial review of administrative action, the contours of Article 226(2) cannot possibly be fettered by a blind invocation of jurisdictional territoriality. Many tribunals are administratively centred in Delhi. Some tribunals do have a principal seat there. Others choose to use Delhi only as a matter on administrative convenience. An administrative exigency can never operate to denude a constitutional Court of its power to issue a high prerogative remedy. The administrative situs of a tribunal, adopted because of such an administrative need or exigency, will not operate to confer exclusive jurisdiction only on the Delhi High court nor rob other High Courts of their wide jurisdiction under Article 226, particularly Article 226(2). We do not believe that any Court has ever suggested that all Writ Petitions directed against the Union Government must only be filed in New Delhi before the Delhi High Court. Yet that would be the logical — albeit untenable — consequence of accepting Mr Joshi’s submission.

18. For this reason, we find Mr Joshi’s next submission to be incongruous, for he also says that it is not his case that merely because the NGT has a seat in Delhi therefore the Delhi High Court would have exclusive jurisdiction. If this be so, i.e., if this is not his case, then there is simply no basis for the submission based on *Bandyopadhyay*.

19. The last submission Mr Joshi makes at the threshold is based on Section 22 of the NGT Act. It reads:

“**22. Appeal to Supreme Court.** — Any person aggrieved by any **award, decision or order** of the Tribunal, may file an appeal to the Supreme Court, within ninety days from the

date of communication of the **award, decision or order** of Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908);

Provided that the Supreme Court may, entertain any appeal after the expiry of ninety days, if its is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.”

(Emphasis added)

20. *Ex facie*, Section 22 is inapplicable because it speaks of an award, decision or order being appealable. That cannot extend to a Petition seeking judicial review of administrative action; nor can Section 22 ever be said to oust the *writ* jurisdiction of a High Court.

21. Consequently, we hold that the Petition is maintainable.

22. The context in which the NGT and its benches were constituted is this. The NGT Act replaced the National Environment Tribunal Act 1995. The Statement of Objects and Reasons (“**SOR**”) of the NGT Act inter alia notes that India was a party to the decisions taken at the Stockholm Conference in June 1972. Later, India participated in the United Nation’s Conference on Environment and Development at Rio de Janeiro in June 1992, which led to the Rio Declaration. One of the resolutions was to demand that member states provide “effective access” to judicial and administrative proceedings, including redress and remedy, and develop national laws regarding liability and compensation for victims of pollution and other environmental damage. The SOR of the NGT Act also

recognises that the right to a wholesome and pollution-free environment has been pronounced by our Supreme Court to be part of Article 21, the fundamental right to life.¹⁰ Then the SOR goes on to say that the National Environmental Tribunal had a limited mandate. It was not established. There came a National Environment Appellate Authority Act 1997, but it had a narrow jurisdictional remit. Acknowledging that there were many environmental cases pending in higher courts and that these required a multi-disciplinary approach, the Supreme Court requested the Law Commission to consider the need to constitute special environmental courts.

23. Thus, there was a perceived need to establish a specialised tribunal to handle multi-disciplinary issues involved in environmental cases; and hence, the enactment of the NGT Act and the constitution of the NGT. The Chairperson is to be a Judge of the Supreme Court or to be a Chief of the High Court. He is a Judicial Member. A High Court Judge is also eligible to be appointed as a Judicial Member (though not as Chairperson). There are provisions for appointing Expert Members. The NGT has jurisdiction over all civil cases where substantial questions relating to the environment are involved and where such cases arise from the implementation of the enactments specified in Schedule I. The National Environment Act 1995 and the National Environment Appellate Authority Act 1997 stood repealed by the NGT Act.

24. On 5th May 2011, the Government of India issued a Notification under Section 4, specifying Delhi as the 'ordinary place

10 See: *Subhash Kumar v State of Bihar*, (1991) 1 SCC 74.

of sitting' of the NGT. It was to exercise jurisdiction over the whole of India. Just a few months later, on 17th August 2011 came another Notification under Section 4(3) of the Act specifying the “ordinary places of sitting” of the NGT. Five zones were specified, and Delhi was said — parenthetically — to be the principal place. For completeness, the 17th August 2011 Notification is quoted below:

THE GAZETTE OF INDIA : EXTRAORDINARY
MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION

New Delhi, the 17th August 2011

S.O. 1908(E).—In exercise of powers conferred by sub-section (3) of Section 4 of the National Green Tribunal Act, 2010 (19th of 2010), the Central Government hereby specifies the following ordinary places of sitting of the National Green Tribunal which shall exercise jurisdiction in the area indicated against each :—

Serial number	Zone	Place of Sitting	Territorial Jurisdiction
1.	Northern	Delhi (Principal place)	Uttar Pradesh, Uttarakhand, Punjab, Haryana, Himachal Pradesh, Jammu and Kashmir, National Capital Territory of Delhi and Union Territory of Chandigarh.
2.	Western	Pune	Maharashtra, Gujarat, Goa with Union Territories of Daman and Diu and Dadra and Nagra Haveli
3.	Central	Bhopal	Madhya Pradesh, Rajasthan and Chhattisgarh.
4.	Southern	Chennai	Kerala, Tamil Nadu, Andhra Pradesh, Karnataka, Union

			Territories of Pondicherry and Lakshadweep.
5.	Eastern	Kolkata	West Bengal, Orissa, Bihar, Jharkhand, seven sister States of North-Eastern region, Sikkim, Andaman and Nicobar Islands:

Provided that till the Benches of the National Green Tribunal become functional at Bhopal, Pune, Kolkata and Chennai, the aggrieved persons may file petitions before the National Green Tribunal at Delhi and till such time the notification No. S.O. 1003(E), dated the 5th May, 2011 in the Ministry of Environment and Forests, shall continue to be operative.

[F.NO. 17(4)/2010-PL]

RAJNEESH DUBE, Jt. Secy.

25. With this background, we turn to an overview of the impugned notices. The first notice is of 6th September 2021. This is how it reads:

National Green Tribunal
Principal Bench
Faridkot House, Copernicus Marg
New Delhi- 110001

NGT/PB/JUDL./05/2020/339 Dated: 06th September, 2021

NOTICE

It is hereby notified for information of all concerned that the Competent Authority had been pleased to issue direction for constituting Special Bench in all the four Zonal Benches. It has been directed that Special Bench shall take-up such appropriate matters in consultation with the concerned Bench, which need to be taken-up by the Additional Bench till constitution of Additional Bench and/or till further orders. If necessary, sittings can continue as per requirement for such period as may be found necessary. It has been further directed that in case the hearing of any such matter(s) is/ are not concluded on the date

fixed then the matter(s) can be postponed to the next working day or to any other such date as may be directed by the Special Bench. In case Monday happens to be holiday, then the matters of that particular bench will be listed before Special Bench on the next working day. However the matters of Principal Bench and the matters of the respective Bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed.

It has directed that the sittings of Special Bench shall be as per the following schedule:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Southern Zonal Bench, Chennai	Every working Monday (unless dispensed with on any particular scheduled Monday) in the first week of the month or any other day as decided by the Competent Authority.
Western Zonal Bench, Pune	Every working Monday (unless dispensed with on any particular scheduled Monday) in the second week of the month or any other day as decided by the Competent Authority.
Eastern Zonal Bench, Kolkata	Every working Monday (unless dispensed with on any particular scheduled Monday) in the third week of the month or any other day as decided by the Competent Authority.
Central Zonal Bench, Bhopal	Every working Monday (unless dispensed with on any particular scheduled Monday) in the fourth week of the month or any other day as decided by the Competent Authority.

This issues with the approval of the Competent Authority.

(Vidya Prakash)
Registrar General

Copy to:

1. PPS to Hon'ble Chairperson, NGT
2. PS to all Hon'ble Judicial Members and Hon'ble Expert Member
3. PA to Registrar General, NGT (PB)
4. The Secretary, Ministry of Environment, Forest and Climate Change
5. Ld. Registrars (all Zonal Benches)
6. Ld. Deputy Registrar (PB)
7. NGT Website
8. NIC team
9. Guard file

26. This tells us that there is to be a 'Special Bench' constituted for all four Zonal Benches except the Northern Bench. This 'Special Bench' is to take up 'appropriate matters'. The notice is confusing because it says that the Special Bench will take up those matters which need to be taken up "by the Additional Bench till constitution of the Additional Bench" or till further orders. What this Additional Bench is, or was meant to be, is unexplained. Then there are administrative directions scheduling the hearings. For instance, Southern Zonal Bench matters would be taken up by the Special Bench on every working Monday in the first week of the month unless otherwise ordered. On the second Monday of every month would be the cases of Western Zonal Bench, and the third Monday would be when the Special Bench would take up the matters of Eastern Zonal Bench. Central Zonal Bench matters were to be taken up by the Special Bench on the fourth Monday of each month. Only the Northern Zonal Bench was excluded.

27. Then came another notice of 4th January 2022, at page 132, also issued by this 'Competent Authority'. This notice is also incomprehensible, but seems to suggest that those matters that were being heard by the Special Bench in Delhi, now described as the

‘NGT (PB) New Delhi’, would be taken first, and that the Western Zonal Bench would take up its own work thereafter. The Notice of 4th January 2022 says this:

National Green Tribunal/
Western Zone Bench/
New Administrative Building, B-Wing/
1st floor, Opposite Council Hall/
Camp, Pune – 411 001/

NOTICE

Dated: 04th Jan, 2022.

It is hereby notified for information of all concerned that the Competent Authority has been pleased to issue direction regarding functioning of the National Green Tribunal (WZB), Pune, through video conferencing w.e.f. 05/01/2022 as under:-

It has been directed that other than admission matter(s) of the NGT (WZB), Pune to be taken up by the National Green Tribunal (PB), New Delhi on every working Wednesday and Thursday of the month, till further order(s), after hearing of the matter(s), listed before the concerned bench is concluded, unless otherwise directed in the cause list.

Similarly, it has been directed that all admission matter(s) of the NGT (WZB) Pune to be taken up by the National Green Tribunal (CZ), Bhopal on every working Tuesday and Friday of the month, till further order(s), after hearing of the matter(s) listed before the concerned bench is concluded, unless otherwise directed in the cause list.

Registrar
NGT(WZB) Pune.

28. The notice of 11th April 2022 at page 133-A for the first time injected some reason, for it said that given the pendency of old matters instituted before 31st December 2017 pending before the respective Zonal Benches, further directions were being issued. The relevant portion of this notice, which we also find unclear, says this:

NATIONAL GREEN Tribunal
PRINCIPAL BENCH

Faridkot House
Copernicus Marg,

New Delhi-110001

No.: No.NGT(PB)/Judicial/05/20/112

Dated 11 04 2022

NOTICE

Keeping in view the pendency of old matters instituted on or before 31.12.2017 pending in the respective Zonal Benches, it is hereby notified for information of all concerned that the Competent Authority has been pleased to issue direction for constituting Special Bench for hearing of such old matters pending in the Zonal Benches. It has been directed that Special Bench shall take-up such appropriate matters in consultation with the concerned Bench. If necessary, sittings can continue as per requirement for such period as may be found necessary. It has been further directed that in case the hearing of any such matter(s) is/are not concluded on the date fixed then the matter(s) can be postponed to the next working day or to any other such date as may be directed by the Special Bench. However the matters of Principal bench and the matters of the respective Zonal bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed.

It has been directed that till further orders, the sittings of Special Bench shall be as per the following schedule:

NAME OF THE BENCH	DAYS ON WHICH THE OLD MATTERS ARE TO BE LISTED
Western Zonal Bench, Pune	Every working Tuesday or any other day as decided by the Competent Authority.
Southern Zonal Bench, Chennai	Every working Wednesday or any other day as decided by the Competent Authority.
Eastern Zonal Bench, Kolkata	Every working Thursday or any other day as decided by the Competent Authority

This issues with the approval of the Competent Authority

(Vidya Prakash)
Registrar General

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General
4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal Benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

29. Just a few days later, on 27th April 2022, came the fourth notice. This again spoke of a need to clear the backlog of pending cases instituted prior to 31st December 2017 in the Zonal Benches. It was said to be a partial modification of the notices of 6th September 2021 and 11th April 2022. It said this:

**"NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

**Faridkot House
Copernicus Marg,
New Delhi-110001**

No. : NGT(PB)/Judicial/05/2020/728

Dated 27.04.2022

NOTICE

It is hereby notified for information of all concerned that with a view to clear the backlog of the old pending cases instituted upto 31.12.2017 in the respective Zonal Benches, in partial modification of the directions issued vide Notices dated 06.09.2021 and 11.04.2022, the Competent Authority has been pleased to issue direction for constituting Special Bench for hearing such matters through Hybrid Option till further orders, as per schedule given below:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Eastern Zonal Bench, Kolkata	Every working Monday or any other day as decided by the Competent Authority.
Western Zonal Bench, Pune	Every working Tuesday & Wednesday or any other day as decided by the Competent Authority
Southern Zonal Bench, Chennai	Every working Thursday & Friday or any other day as decided by the Competent Authority

The matters of the Principal Bench and the matters of the respective Bench will continue to be heard on the said days after the hearing of matters fixed for hearing before the Special Bench in the respective Zonal Bench is concluded, unless otherwise directed. However, the practice of listing the matters of the concerned Zonal Benches before Special Bench on every working Monday once in a month in terms of Notice dated 06/09.2021, shall be discontinued.

The Cause List will indicate that in Part-I of the list, the matters to be listed before Special Bench and in Part-II List, the matters before the Zonal Bench after the hearing of the matters of Special bench. The matters before Special bench will be heard at 10.30 AM onwards. The hearing of the matters of Part-II shall commence after the conclusion of the hearing of the matters of Part-I (tentatively 12.00 noon onwards). ***No request for adjournment will be entertained. However, in special circumstances, adjournment may be granted for a period not beyond one week before listing.***

The Special bench will start functioning w.e.f. 02.05.2022 as per the above proposed schedule.

This issues with the approval of the Competent Authority.

(Ravi Dahiya)
Deputy Registrar

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General

4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

30. Finally, there is the last notice dated 26th August 2022 (at page 227 of Goa Foundation's Additional Affidavit dated 8th September 2022). This repeated the need to clear the backlog of old cases instituted up to 31st December 2017 and said it was a partial modification of the previous notices of 6th September 2021, 11th April 2022 and 7th April 2022. It constituted a Special Bench for hearing matters of the Western Zonal Bench through a hybrid option. The notice of 26th August 2022 reads:

**NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

**Faridkot House
Copernicus Marg,
New Delhi-110001**

No. : NGT(PB)/Judicial/05/2020/274
Dated 26.08.2022

NOTICE

It is hereby notified for information of all concerned that with a view to clear the backlog of the old pending cases instituted upto 31.12.2017 in respect of Western Zonal Bench, Pune, in partial modification of the directions issued vide Notices dated 06.09.2021, 11.04.2022 & 27.04.2022, the Competent Authority has been pleased to issue direction for constituting Special bench for hearing such matters of Western Zonal Bench, Pune through Hybrid Option on every working Monday, Tuesday & Wednesday w.e.f. 29.08.2022 till further orders.

It is also notified that such pending matters of the concerned Zonal Benches, which were earlier heard by Principal Bench through Video Conferencing and/or such other matters which are, in the opinion of the Hon'ble Members of the Principal Bench and/or of the concerned Zonal Bench

depending upon the issues involved in the matters or their date of institution etc. or any other matter in which an application is filed by the concerned party for conducting hearing before Special Bench, then such matters may be listed before the Special Bench headed by Hon'ble Chairperson as per the schedule given below:

NAME OF THE BENCH	DAYS ON WHICH THE MATTERS ARE TO BE LISTED
Eastern Zonal Bench, Kolkata	Working Wednesday in the first week of the Month or any other day as decided by the Competent Authority
Southern Zonal Bench, Chennai	Working Wednesday in the second week of the Month or any other day as decided by the Competent Authority.
Central Zonal Bench, Bhopal	Working Wednesday in the third week of the Month or any other day as decided by the Competent Authority
Western Zonal Bench, Pune	Working Wednesday in the fourth week of the Month or any other day as decided by the Competent Authority

However, the matters of Western Zonal Bench, Pune shall not be listed before the Special Bench on such first, second and third Wednesday of the month on which such matters of the categories as mentioned above, shall be listed for hearing before the Special Bench.

The matters of the Principal Bench and the matters of the respective Zonal Bench will however continue to be heard on the said days after the hearing of matters of the respective Zonal Bench before the Special Bench is concluded, unless otherwise directed.

This issues with the approval of the Competent Authority.

(Vidya Prakash)
Registrar General

Copy for information to:

1. PPS to Hon'ble Chairperson
2. PA to all Hon'ble Judicial and Hon'ble Expert Members
3. PA to Registrar General
4. The Secretary, Ministry of Environment, Forest and Climate Change, New Delhi
5. Ld. Registrars (all Zonal benches)
6. PA to Dy. Registrar & Assistant Registrar (PB)
7. NGT Website
8. Guard File"

31. There are many things missing and much left to be desired in each of these notices and in all of them taken together. For one thing, there is a complete lack of clarity. There is no roster for the Special Bench. It is unclear to anyone, even to us, which matters are to be taken by the Special Bench or why, and which will continue before the Western Zonal Bench. Ms Alvares confirms that, in practice, this is indeed so and nobody knows on a day-to-day basis which Bench will take what matter or for what reason. We are told that the practice is for the so-called Special Bench in Delhi comprising two Judicial Members and one Expert Member to sit with the Judicial Member and the Expert Member of the Western Zonal Bench, to take up these 'Special Bench' matters. A cause list is indeed notified, but without any indication of which matter will enter that cause list or why.

32. Ms Alvares accepts that there were problems in the functioning of the Western Zonal Bench for some time until August 2021. Between August and December 2021, the Bench did function, though on VC. The Judicial Member resigned on 15th December 2021. The Chairman permitted the solitary Expert Member to continue.

33. In 2018, the NGT Bar Association challenged a similar constitution of a single-member Bench. On 31st January 2018, the Supreme Court ordered the Chairperson not to constitute a Single Member Bench and said that there would be a Division Bench consisting of one Judicial and one Expert Member.¹¹

34. We pause here to consider some of the statutory provisions in regard to the composition of any bench of the NGT. Section 4(4) of the NGT Act says:

“4. Composition of Tribunal-

(4) The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedures of the Tribunal including—

(a) the rules as to the persons who shall be entitled to appear before the Tribunal;

(b) the rules as to the procedure for hearing applications and appeals and other matters including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3), pertaining to the application and appeals;

(c) the minimum number of Members who shall hear the applications and the appeals in respect of any class or classes of applications and appeals;

Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

11 Page 105 of the Petition.

(d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.”

(Emphasis added)

35. The proviso emphasised above prima facie indicates that Judicial Members cannot out-number Expert Members.

36. We also notice Rule 3 of the Procedural Rules which speaks of distribution of business among different ordinary place or place of sittings of the Tribunal. Rule 3 reads thus:

“3. Distribution of business amongst the different ordinary place or places of sittings of Tribunal.—

(1) The Chairperson may constitute a bench of two or more Members consisting of at least one Judicial Member and one Expert Member:

Provided that in exceptional circumstances the chairperson may constitute a single Member bench.

(2) The Chairperson shall have the power to decide the distribution of the business of the Tribunal amongst the Members of the Tribunal sitting at different places by order and specify the matters which may be dealt with by each such sitting in accordance with the provisions of clause (d) of sub-section (4) of section 4 of the Act.

(3) If any question arises as to whether any matter falls within the purview of the business allocated to a place of sitting, the decision of the Chairperson shall be final.

Explanation.—The expression “matter” includes application for interim relief.”

(Emphasis added)

37. The proviso was inserted by an amendment of 1st December 2017. The 31st January 2018 Supreme Court order on the NGT Bar Association Petition did not notice any exceptional circumstances justifying a Single Member Bench.

38. We must read these provisions along with Section 21 of the NGT Act and its first proviso.

21. **Decision to be taken by majority.**—The decision of the Tribunal by majority of Members shall be binding:

Provided that if there is a difference of opinion among the Members hearing an application or appeal, and the opinion is equally divided, the Chairperson shall hear (if he has not heard earlier such application or appeal) such application or appeal and decide:

Provided further that where the Chairperson himself has heard such application or appeal along with other Members of the Tribunal, and if there is a difference of opinion among the Members in such cases and the opinion is equally decided, he shall refer the matter to other Members of the Tribunal who shall hear such application or appeal and decide.

(Emphasis added)

39. Finally, we note Rule 5 of the Procedure Rules:

“5. Minimum number of Members who shall hear application or appeal.—

(1) The Tribunal shall hear an application or appeal, as the case may be, consisting of at least by a Judicial and an Expert Member.

(2) Where the Chairperson considers it necessary that a particular case or cases be heard and decided by the Tribunal consisting of more than two Members he may by order in writing direct that such case or case, be heard by such Members of the Tribunal as may be specified in that order.”

40. Ms Alvares draws our attention to a Division Bench order dated 3rd August 2021 in *Meenava Thanthai KR Selvaraj Kumar v National Green Tribunal*¹² by the Madras High Court. That Court took the view, one that we affirm, that the Act and the Rules do not permit a Bench of an odd number of members. Ms Alvares’s submission is that if the number of expert Members on any Bench must be equal to the number of Judicial Members, then, by necessary arithmetic, the bench strength must be an equal number. That is the proviso to Section 4(4)(c). This is also why the first proviso to Section 21 speaks of an opinion ‘being equally divided’, a situation that can only arise if there are an even number of Members. The provision for a single Member sitting in the procedure rules only operates in exceptional circumstances. Ms Alvares submits that this entire framework has been thrown to the winds by the impugned notices. Even assuming that the Bench strength could be more than two, it is unclear how, under the Act and Rules, it can ever be an *odd* number.

12 Writ Petition No. 15112 of 2021.

But if two Members sit and are available in the Western Zone, then the statute does not contemplate the cases on their docket being heard by a larger Bench of an odd number of members sitting at a different location; and especially where the number of Expert Members is not equal to the number of Judicial Members. That the Chairperson is a Judicial Member is accepted. Thus, for the so-called Special Bench, there would be three Judicial Members and two Expert Members of this Special Bench. The statute does not permit this.

41. Until 4th January 2022, there was therefore, following the Supreme Court order of 31st January 2018, no available bench for the Western Zone. Admission matters were diverted to the Central Zone and to the Northern Zone in Delhi. Even then, there was no clarity, as paragraph 13 of the Petition says, as to which matters would be placed before the Northern Bench. Not all non-admission matters were posted before that Bench. We find to our surprise that in the Petition there is a tabulation of cause lists prepared for the non-functional and non-existent Western Bench at that time. It shows that matters were in fact listed before a non-existent bench and internally adjourned. Then some matters went off to the Northern Bench and some to the Central Bench. In the first week of April 2022, a Judicial Member was appointed for the Western Zone Bench. It is after this that there came the third impugned notice of 11th April 2022 (at page 133A) and the further notices that then followed. The result was the sudden composition of a five-member bench in the Northern Zone, with two members of the Northern Zone, the Chairperson, and the two members of the Western Zone. We believe Ms Alvares is correct that nothing in the NGT Act or the Procedure Rules permits this.

42. Ms Alvares's next objection is to the ad-hoc assumption, unwarranted and unsupported by the Act or the Procedure Rules, of jurisdiction by the Northern Zone Bench of matters that pertain to the Western Zone. There is no source of power, she says, to take away matters within the territorial jurisdiction of one Bench. If a particular Bench is non-functional (as indeed often happens with many tribunals) then surely the Writ Courts are available.

43. The answer on affidavit from the NGT is, first, to claim that the matter is one of 'convenience'; or, more accurately, of *inconvenience*. Whose convenience or inconvenience, we are not told. It is certainly not convenient — and it is certainly most inconvenient — for litigants and advocates from Goa not to know which matter is to be heard where by what Bench and for what reason, and to find that matters in a defined jurisdiction have suddenly been removed or withdrawn to some other bench with a differently defined jurisdiction.

44. The second submission by Mr Joshi is that the arrangement was purely temporary while there was a vacancy and insufficiency of Bench strength in the Western Zone. None of the notices say this and they have continued after there is an adequacy of Bench strength at the Western Zonal Bench in Pune. Then we were told that in keeping with the notices and their plain wording the Special Bench was only taking pre-2017 matters. This argument is negated by NGT's own Affidavit in paragraph 22 from pages 190 to 193 where table after table per bench shows that the so-called Special Bench has been taking post-2017 matters as well.

45. This does not even begin to answer the questions of jurisdiction and of the statutory requirement for equalized bench strength.

46. Mr Joshi lays some emphasis on Rule 3 and Section 4 to suggest that it is the Chairperson who decides the distribution of business of the Tribunal amongst Members of the Tribunal sitting at different places. The argument is misconceived. If there are multiple Benches in one zone, then it is for the Chairperson to distribute work between such local benches (just as the Chief Justice or Presiding Judge of any Court distributes work between the multiple benches in the court over which he presides). The Rule does not mean that the Chairperson can randomly cherry-pick matters from any Bench and withdraw them to himself or to a Bench over which he presides. This is particularly so if the Benches are co-equal as at least one High Court has noted.¹³ The submission is by no means and no stretch of the imagination, at least not without doing considerable violence to the language, a legitimate exercise of the power to ‘decide the distribution of business of the Tribunal’. That is not even the stated purpose of the notices.

47. We are told by Mr Joshi that these notices are the results of “internal decisions of the Chairperson”. That adds no value whatsoever to a discussion on law. The Special Bench has no defined time limit. It is not a pro-tem provision until the temporary manpower crises is resolved. Strangely, only the Northern Bench has only

¹³ Madras High Court, paragraph 6 of the order dated 25th June 2021 in *K Saravanan v The National Green Tribunal*, Writ Petition No 13266 of 2021, pp. 162-169 of the petition, at p. 164.

Northern Bench matters; there is no explanation or rationale provided why the Western Zonal Bench is not allowed to hear regular matters when there is a sufficiency of coram, or why some part of its cause-lists — on no known, disclosed, or discernible basis — should be taken up by a wholly improperly constituted bench sitting somewhere else.

48. Mr Joshi claims that the jurisdiction of the Western Zone Bench is not taken away by these notices. True; it is not. And it cannot be taken away. The ingenious workaround seems to be to leave the jurisdiction intact, but to take selective matters away from the jurisdictional bench. So the jurisdiction remains in Pune, but the matter goes to Delhi; and that, we are expected to accept, is perfectly all right and within the administrative power of the Chairperson. What is really happening is that by this administrative legerdemain, the so-called Special Bench, dominated by the Northern Bench, with an unlawfully odd number of members acquires seizin of matters beyond its jurisdiction. It actually does not matter whether the Special Bench has members from the Northern, Eastern or any other Bench. Matters within the Western Zonal Bench must be heard by the Western Zonal bench. It is perfectly legitimate for any Member of any Bench to sit at any other Bench; but the sitting must be of the Bench at its place of sitting to hear matters filed at that Bench.

49. There is one final telling circumstance, and it is to our mind entirely dispositive of the issue. We now set out Section 4 in its entirety.

4. **Composition of Tribunal.—**

- (1) The Tribunal shall consist of—
 - (a) a full time Chairperson;
 - (b) not less than ten but subject to maximum of twenty full time Judicial Members as the Central Government may, from time to time, notify;
 - (c) not less than ten but subject to maximum of twenty full time Expert Members, as the Central Government may, from time to time, notify.
- (2) The Chairperson of the Tribunal may, if considered necessary, invite any one or more person having specialised knowledge and experience in a particular case before the Tribunal to assist the Tribunal in that case.
- (3) **The Central Government may, by notification, specify the ordinary place or places of sitting of the Tribunal, and the territorial jurisdiction falling under each such place of sitting.**
- (4) **The Central Government may, in consultation with the Chairperson of the Tribunal, make rules regulating generally the practices and procedure of the Tribunal including—**
 - (a) the rules as to the persons who shall be entitled to appear before the Tribunal;
 - (b) the rules as to the procedure for hearing applications and appeals and other matters **including the circuit procedure for hearing at a place other than the ordinary place of its sitting falling within the jurisdiction referred to in sub-section (3)**, pertaining to the applications and appeals;
 - (c) the minimum number of Members who shall hear the applications and appeals in respect of any class or classes of applications and appeals:

Provided that the number of Expert Members shall, in hearing an application or appeal, be equal to the number of Judicial Members hearing such application or appeal;

(d) rules relating to transfer of cases by the Chairperson from one place of sitting (including the ordinary place of sitting) to other place of sitting.

(Emphasis added)

50. Section 4(3), emphasised above, makes it abundantly clear that the Chairperson has no authority whatsoever to specify the place of sitting of the Tribunal or the territorial jurisdiction under each such place of sitting. That can only be done by the Central Government, and it can only be done by notification. It is incapable of being done by administrative action. Further, Section 4(4)(d) also requires that rules be made by the Central Government, though in consultation with the Chairperson, for the *transfer of cases by the Chairperson from one place of sitting, including the ordinary place of sitting, to any other place*. Absent such rules made by the Central Government and duly notified, the Chairperson has no power or authority to simply transfer cases from one place to another, nor to change the territorial jurisdiction of any bench. Any such executive or administrative jurisdictional gerrymandering is proscribed by the statute itself.

51. “*Plus ça change, plus c’est la même chose,*” says Ms Alvares; “The more it changes, the more it stays the same.” In 2017, the NGT attempted to take away cases coming from Goa, Daman Diu, Dadra and Nagar Haveli and assign them to the bench that sits in Delhi. This Court, in its seat at Goa, took up the matter as a Suo Motu Writ Petition No. 1 of 2017 and issued directions on 21st August 2017

(page 53). One of us, GS Patel J, was a member of that Bench. Ultimately, the Division Bench rendered a final decision dated 11th October 2017 (copy at page 57 of the Petition).¹⁴ The Goa Foundation was the lead petitioner. Rule was made absolute and the administrative direction of jurisdictional transfer, at least as it pertained to Goa, was quashed. Nobody has ever challenged that decision.

52. This is critical, Ms Alvares says, for between 2017 and 2022 there has been no change in circumstances and nothing at all has happened to justify an administrative move to hear some Western Zone cases, i.e., those properly filed and lodged with the Western Zone Bench in Pune, before a bench or Special Bench with an entirely different composition in Delhi.

53. Late in the hearing, we were furnished some statistics by Mr Joshi. To our mind, these completely negate the ostensible reason given for constituting the Special Bench, i.e., to clear some alleged backlog. For we find from these notices that while the pendency at the Western Zonal Bench on 21st July 2022 was 654 cases, that of the Northern Bench as on 30th June 2022 was 821 cases. The statistics also show that there were 47 fresh filings in the Western Zone Bench in August 2022 and that the disposal in that month by the Special Bench was 78 cases, clearly meaning that the Special Bench was taking newer as well as older cases. This is also clear from the tabulations in the NGT Affidavit as well. There is, therefore, no

14 *The Goa Foundation v Ministry of Environment, Forests & Climate Change & Anr*, 2017 SCC OnLine Bom 8815 : (2018) 1 Bom CR 232.

question of any administrative exigency in having matters — unknown, unspecified and with no clarity — being selectively taken and cherry-picked for listing before any so-called Special Bench.

54. On both counts, viz., the jurisdictional aspect as well as the illegal composition of the ‘Special Bench’, the notices are vulnerable. All five notices are ultra vires the NGT Act and the Procedure Rules.

55. We also find that they are violative of Article 14 and suffer from the impermissible vice of manifest arbitrariness. One of the crucial components to the administration of justice is transparency. A second is accountability.¹⁵ The third is certainty. All three are conspicuous by their absence in the regime set up in these notices. Nobody knows which case will go to the Special Bench and which will not, or which might cycle back, when, or why. There is no reason why the Western Zone Bench should have to wait online on VC till the work of the Special Bench is over except to lend some colour of legitimacy that the Special Bench is not usurping jurisdiction because the two Western Zone Bench Members are also present online. In fact, this is a complete usurpation of jurisdiction of the Western Zonal Bench, and it fails every test of law and judicial review.

56. Rule is made absolute in terms of prayer clause (a). All five impugned notices dated 6th September 2021, 4th January 2022, 11th April 2022, 27th April 2022 and 26th August 2022 are quashed and set aside. The constitution of the Special Bench seated at New Delhi is illegal. Only the Members of the Western Zonal Bench can hear

15 *Swapnil Tripathi v Supreme Court of India*, (2018) 10 SCC 639.

matters pertaining to the Western Zonal Bench, including matters arising from Goa and Maharashtra.

57. In this Court's Judgment of 11th October 2017, a recommendation was made, although no mandamus was issued, that the authorities must consider in all seriousness a proposal to establish a circuit bench at Panaji in Goa. It is fair to say that the environmental concerns of Goa have been pivotal in shaping the face of environmental law in this country. Those struggles to preserve that land and its environment have continued; as indeed they should. We, therefore, reaffirm such recommendation, that far from moving Goa-centric matters away from Pune, every endeavour must be made to set up a circuit bench in Panaji. This is the only way that true access to justice can be achieved; and access to justice has been held to be a "part and parcel of the right to life".¹⁶ That purpose is not achieved by taking courts further and further away from litigants, lawyers and the very people who come to the NGT to seek environmental justice. It is most appropriately achieved by bringing courts of law to the litigants' doors. This, in our view, is best done by establishing a circuit bench at the nerve-centre of this environmental litigation.

58. The Petition is disposed of in these terms. There will be no order as to costs.

(M. S. SONAK, J.) (G. S. PATEL, J.) (CHIEF JUSTICE)

16 *Anita Kushwaha v Pushap Sudan*, (2016) 8 SCC 509 (5-Judge Bench);

1 Application WC No.17/2016 distri

**BEFORE SHRI S. N. SALVE, JUDGE, FIRST LABOUR
COURT, AHMEDNAGAR**

Application WC No. 17/2016

Smt. Usha Shashikant Pagare,
Age about 50 years, Occu. Household work,
R/o Balasaheb Nagar,
Loni Bk. Taluka Rahata,
Dist. Ahmednagar. ...Applicant.

VERSUS

The Managing Director,
Padmashri Vithalrao Vikhe Patil
Sahakari Sakhar Karkhana,
A/P Pravra Nagar,
Taluka – Rahata,
Dist. Ahmednagar. ...Opponent.

CORAM : SHRI S. N. SALVE, JUDGE, 1st LABOUR COURT.

APPEARANCE : Shri D. V. Changede Adv. for applicant.

ORDER BELOW EXH. U-3
(Passed on 03.08.2016)

This is an application for distribution of amount of compensation of Rs. 5,28,000/- deposited by opponent.

2. It is submitted that the applicant is the widow of the deceased. The applicant is legal heir and dependent of the deceased at the time of his accidental death. Hence, she is entitled to get share in the compensation amount deposited before this Court. She, therefore, prayed for distribution of an amount of compensation.

3. Necessary enquiry U/s 8(4) of Employees Compensation Act 1923 has been made.

4. The report of Senior Clerk was called upon. As per the report an amount of Rs. 5,28,000/- has been deposited by the opponent and said amount is lying in C register No. 7/2016.

5. Perused the application, affidavit Exh. U-4 of the applicant, affidavit Exh. U-5, U-6 and U-7 of the sons and daughter of the deceased stating therein that the amount be given to the applicant mother as they are major and are not entitled to the amount, Certified copy of the death certificate of the Shashikant Bhikaji Pagare, Succession certificate of the Grampanchayat Office Lonid Budruk, Xerox copy of the Adhaar Card of the applicant, xerox copy of the Adhaar Card of the sons and daughters of the deceased, xerox copy of the bank pass book of State Bank of India of the applicant. Xerox copy of the Ration Card of the applicant.

6. After going through the oral as well as documentary evidence on record, I am satisfied that the applicant being widow of the deceased is entitled to her respective share of compensation from the amount deposited by the opponent.

In the result, following order is passed;

ORDER

1. Application is allowed.
2. The amount of compensation is distributed as follows :

Out of compensation amount of Rs. 5,28,000/- (Rs. Five Lacs Twenty Eight Thousand Only) the applicant is entitled to get Rs. 3,00,000/- (Rs. Three Lacs Only) as her share. This

amount be paid to her alongwith accrued interest by an account payee cheque after due identification or same be credited to her account as per information provided by her. Remaining amount of Rs. 2,28,000/- (Two Lacs Twenty Eight Thousand Only) be invested in fixed deposit for the period 2 years in any nationalized bank.

3. The amount so invested in the fixed deposit be paid directly to the applicants after the period of maturity.
4. Senior Clerk to Issue letter accordingly to the bank.
5. Senior Clerk to comply.
6. Accordingly, application is disposed of.

Date : 03.08.2016

(S. N. Salve)
Commissioner for E. C. & Judge,
1st Labour Court, Ahmednagar.

**BEFORE SHRI S. N. SALVE, JUDGE, FIRST LABOUR
COURT, AHMEDNAGAR**

Application WC No. 15/2016

Smt. Suman Vinod Jondhale,

Age : about 55 years, Occ. Household work

R/o Nimgaon Jali,

Talua Sangamner,

Dist. Ahmednagar.

...**Applicant.**

VERSUS

The Managing Director,

Padmashri Vithalrao Vikhe Patil

Sahakari Sakhar Karkhana,

A/P Pravra Nagar,

Taluka – Rahata,

Dist. Ahmednagar.

...**Opponent.**

CORAM : SHRI S. N. SALVE, JUDGE, 1st LABOUR COURT.

APPEARANCE : Applicant in person.

Shri D. V. Changede Adv. for opponent.

ORDER BELOW EXH. U-3

(Passed on 03.08.2016)

This is an application for distribution of amount of compensation of Rs. 4,69,640/- deposited by opponent.

2. It is submitted that the applicant is widow of the deceased. The applicant is legal heir and dependent of the deceased at the time of his accidental death. Hence, she is entitled to get share in the compensation amount deposited before this Court. She, therefore, prayed for distribution of an amount of compensation.

3. Necessary enquiry U/s 8(4) of Employees Compensation

Act 1923 has been made.

4. The report of Senior Clerk was called upon. As per the report an amount of Rs. 4,69,640/- has been deposited by the opponent and said amount is lying in C register No. 5/2016.

5. Perused the application, affidavit Exh. U-4, certified copy of the death certificate of the deceased, xerox copy of the Adhaar Card of the applicant, xerox copy of pass book of Bank of Baroda.

6. After going through the oral as well as documentary evidence on record, I am satisfied that the applicant being widow of the deceased is entitled to her respective share of compensation from the amount deposited by the opponent.

In the result, following order is passed;

ORDER

1. Application is allowed.
2. The amount of compensation is distributed as follows :
The total amount of Rs. 4,69,640/- be invested in fixed deposit for the period 2 years in any nationalized bank.
3. The amount so invested in the fixed deposit be paid directly to the applicant after the period of maturity.
4. Senior Clerk to comply.
5. Accordingly, application is disposed of.

Date : 03.08.2016

(S. N. Salve)
Commissioner for E. C. & Judge,
1st Labour Court, Ahmednagar.

Before Shri. G.R. Dhepe, Commissioner For Workmen's Compensation & Judge, Second Labour Court, Ahmednagar

Application (W.C.) No. 16/2016

**Padamashree Dr. Vitthalrao Vikhe
Patil S.S.K. Ltd., Pravaranagar,
Tal. Rahata, Dist. Ahmednagar.**

... **Applicant**

v e r s u s

1. **Smt. Ashabai Balu Devare,**
Age- 45 years, Occ.- Nil,
2. **Mangesh Balu Devare,**
Age- 33 years, Occ.- Service,
3. **Yogesh Balu Devare,**
Age- 31 years, Occ.- Service,
4. **Kum.Pooja Balu Devare,**
Age- 23 years, Occ.- Education,
All R/o Menhune, Tq. Malegaon,
District – Nashik.

... **Opponents**

Appearance :-

Shri A.R. Tak, Advocate for Opponents.

ORDER BELOW EXHIBIT U-2

(Date : 09.08.2016)

1. This is an application for distribution of amount of compensation Rs. 5,00,000/- deposited by applicant sugar factory on account of accidental death of late Balasaheb @ Balu Sampat Devare during the course and out of his employment with applicant sugar factory. The application is supported by affidavits of opponent Nos. 1 to & 4 and documents filed along with list Exh.U-7.
2. It is submitted that the opponent no.1 is the widow,

opponent nos. 2, 3 are the son & opponent no.4 is the daughter of the deceased Balasaheb Devare who died in an accident arising out of and in the course of his employment with applicant sugar factory on 06.04.2016. The applicant-employer suomoto deposited compensation amount of Rs. 5,00,000/- in full and final satisfaction of claim of opponents. The opponents further submitted that except opponent nos. 1 to 4 there is no any other legal heir of the deceased. Hence, prayed for distribution of deposited compensation amount amongst them.

3. In the present proceeding, necessary enquiry has been made as per Sec.8(4) of Employees Compensation Act, 1923.

4. The report of Sr. Clerk was called and it is submitted. It is seen and considered. As per report of Sr. Clerk an amount of Rs. 5,00,000/- has been deposited by the applicant-employer by cheque and said amount is lying in Current Account in the name of this Court vide C register entry No.06/2016. It is further reported that, while depositing compensation amount the applicant employer has mentioned in the application that, "I do not desire to be made party to the proceedings for distribution of the aforesaid compensation".

5. After perusing oral as well as documentary evidence on record, I am satisfied that the opponent nos. 1 to 4, being widow, son, and daughter of the deceased Balasaheb Devare are the only legal heirs of the deceased. However, from perusal of record it appears that the opponent nos. 2 & 3 are major and earning son of the deceased. Therefore, though they are the legal heirs of the deceased but not depending on the income of the deceased father at the time of his accidental death. Hence, they are not entitled to get share in the deposited compensation amount. Further, the opponent no.4 though attained the age of majority but she is unmarried daughter falls within

the definition of dependents within the meaning of section 2(1)(d) of Employees' Compensation Act,1923 and entitled to get her share in the deposited compensation amount. Considering above said factual aspects the opponent nos. 1 and 4 are entitled to get their respective share of compensation from the amount deposited in the Court. The applicant sugar factory at the time of depositing compensation amount has given no objection to distribute the compensation amount amongst opponents. Therefore, there is no any legal impediment in distributing the compensation amount amongst opponents. Opponents are in need to abovesaid amount for welfare of their own. Hence, considering need of opponents some amount is required to be kept in fixed deposit in their respective names and remaining amount can be directed to be paid to them as per following order.

ORDER

1. Application is allowed.
2. Out of compensation amount Rs. 5,00,000/-

The opponent no.1 Smt. Ashabai Balu Devare, widow of the deceased is entitled to get Rs. 3,00,000/-, out of which an amount of Rs. 1,50,000/- be invested in fixed deposit in her name for the period of three years in any nationalize bank and remaining amount of Rs. 1,50,000/-, be paid over to her by cross account payee cheque drawn in her name, after due identification or the same be credited to her savings bank account as per information provided by her.

The opponent no.4 Kum. Pooja Balu Devare, major but unmarried daughter of the deceased is entitled to get Rs. 2,00,000/- as her share, which shall be invested in fixed deposit in her name, in any nationalize bank, for the period of three year.

3. Sr. Clerk to comply.
4. Issue letter to concern bank accordingly.

(G.R. Dhepe)
Judge,

Date : 09.08.2015.

Second Labour Court, Ahmednagar.

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

To,

The Managing Director
PAD. DR. VITTHALRAO VIKHE PATIL SAHAKARI SAKHAR KARKHANA
LTD.
Gat No. 196/1, Pravara Nagar, Loni, Rahata,
Ahmednagar,,Ahmednagar,Maharashtra-413712

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity
under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
in respect of project submitted to the Ministry vide proposal number
IA/MH/IND2/215302/2021 dated 28 Sep 2022. The particulars of the environmental
clearance granted to the project are as below.

- | | |
|---|---|
| 1. EC Identification No. | EC22A022MH148441 |
| 2. File No. | IA-J-11011/251/2021-IA-II(I) |
| 3. Project Type | New |
| 4. Category | A |
| 5. Project/Activity including
Schedule No. | 5(g) Distilleries |
| 6. Name of Project | Padmashree Dr. Vittalrao Vikhe Patil
Sahakari Sakhar Karkhana Ltd. |
| 7. Name of Company/Organization | PAD. DR. VITTHALRAO VIKHE PATIL
SAHAKARI SAKHAR KARKHANA LTD. |
| 8. Location of Project | Maharashtra |
| 9. TOR Date | 08 Dec 2021 |

The project details along with terms and conditions are appended herewith from page
no 2 onwards.

Date: 28/11/2022

(e-signed)
A N Singh
Scientist E
IA - (Industrial Projects - 2 sector)

*Note: A valid environmental clearance shall be one that has EC identification
number & E-Sign generated from PARIVESH. Please quote identification
number in all future correspondence.*

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This has reference to your online proposal no. IA/MH/IND2/215302/2021, dated 28th September, 2022 for environmental clearance to the above-mentioned project.

2. The Ministry of Environment, Forest and Climate Change has examined the proposal seeking environmental clearance for expansion of Sugarcane Juice/ Syrup/"C"/"B" Heavy Molasses based Distillery Capacity from 60 KLPD to 240 KLPD to produce Rectified Spirit/ Extra Neutral Alcohol/ Ethanol located at Gat No. 196/1, Village Pravara Nagar Loni, Tehsil Rahata, District Ahmednagar, State Maharashtra by M/s. Padmashree Dr Vitthalrao Vikhe Patil Sahakari Sakhar Karkhana Ltd.

3. All Distillery projects which are more than 100 KLPD Capacity are listed at S.N. 5 (g) of Schedule of Environment Impact Assessment (EIA) Notification under category 'A' and are appraised at Central Level by Expert Appraisal Committee (EAC).

4. The details of products and capacity as under:

Sr. no.	Unit	Product/ By-product	Existing Capacity	Proposed Capacity	Total Capacity
1.	Sugar Crushing unit	Sugar	7200 TCD	-	7200 TCD
2.	Distillery Unit	Rectified Spirit or ENA or Ethanol	60 KLPD	180 KLPD	240 KLPD
3.	Co-generation power plant (Incineration boiler)	Power	8 MW	-	8 MW

5. Existing industry is operational on the basis of Consent To Operate because Distillery was established in the year 1975 for capacity of 32 KLPD, New plant of 60 KLPD was installed in 1984. Thus Environmental Clearance was not applicable. Latest CTO (air and water) has been issued on 30/08/2022 and is valid till 31/08/2023. Certified CTO compliance report has been issued dated 26.09.2022 from SRO, SPCB.

6. The project proposal was considered by the Expert Appraisal Committee (Industry-2) in its 44th EAC meeting held on 22nd November, 2021 and recommended Terms of References (ToRs) for the Project. The ToR has been issued by the MoEF&CC vide letter no. F. no. IA-J-11011/251/2021-IA-II(I) dated 8th December 2021. It was informed that no litigation is pending against the proposal.

Public Hearing for the proposed project had been conducted by the SRO Ahmednagar Pollution Control Board on 17.02.2021 at M/s. Padmashree Dr.Vitthal rao Vikhe Patil Sahakari Sakhar Karkhana Ltd., Gat No. 196/1, Pravara Nagar Loni, Rahata, Ahmednagar, Maharashtra, which was presided by the Additional District Magistrate, Ahmednagar. The main issues raised during the public hearing and their action plan:

Regarding greenbelt development, 1.33 Ha i.e. 33% has already been developed and same will be densified with the proposed expansion with tree density of 2500 trees per Ha.

Regarding fertilizer for farmers, PP informed that the unit is already having existing sugar unit of 7200 TCD crushing capacity, press mud generated from sugar unit will be mixed with fly ash and the manure will be prepared, which will be available for the local farmers.

Regarding Environment Management Cell, PP informed that Environment Cell is already with the factory and a person with M.Sc. Environment along with three educational qualified person are engaged in the cell.

Regarding power supply to villages, PP informed that the factory has already provided the electricity on outer roads and will provide electricity with solar LEDS on the internal roads also. Rs. 1.92 Crores has been earmarked for generation of electricity through solar power and its distribution.

Regarding employment, PP informed that the priority should be given to the local peoples only.

Regarding health services to people, PP informed that there is OPD at the factory and if there is serious injury then the medical service is provided at Pravara Medical hospital. Recently the factory has made one Cardiac Ambulance also.

Regarding social projects will be implemented in the nearby schools and public places, PP informed that activities such as construction of school building, digitization of school etc, have been carried out in the nearby school and same will continue.

Regarding water pollution, EMP Cost of Condensate Polishing unit of 2500 KLD capacity, Multiple effect evaporator for Spent wash concentration and Bio-methanation Plant will be Rs. 8.00 Crores and O&M Cost for the project will be Rs. 1.00 Crores/Annum.

Regarding ash dispersion, The Electrostatic precipitator with stack height of 85 m shall be installed, so there is no any problem on crop and human health due to boiler ash. Capital Cost for ESP for Controlling PM emission and stack of 85 meters

height as per CPCB calculations. EMP Cost – Rs. 40.00 Crores and O&M Cost – Rs. 200 Lakhs/Annum.

7. Total plant area after expansion will be 4.04 Ha. No additional land will be acquired for the expansion project as the same will be done within existing plant premises. Out of the total plant area 1.33 Hectares i.e. 33% of the total plant area has already been developed as greenbelt & plantation and the same will be developed under greenbelt & plantation in and around plant premises. The estimated project cost is Rs. 313.38 Crores. Capital cost of EMP would be Rs.51.07 Crores and recurring cost for EMP would be Rs.3.75 Crores per annum. Industry proposes to allocate Rs. 3.13 Crores towards extended EMP (Corporate Environment Responsibility). Total Employment after expansion will be 300 persons as direct & indirect.

8. There are no any national parks, wildlife sanctuaries, Biosphere Reserves, Tiger/Elephant Reserves, Wildlife Corridors etc. within 10 km distance. No major water body present within 10 km radius of project site.

9. Ambient air quality monitoring was carried out at 8 locations during March 2021 to May 2021 and the baseline data indicates the ranges of concentrations as: PM₁₀ 39.3 µg/m³ to 58.5 µg/m³, PM_{2.5} (20.2 µg/m³ to 36.6 µg/m³), SO₂ (10.3 µg/m³ – 24.9 µg/m³) and NO₂ (13.8 µg/m³-28.8 µg/m³). AAQ modelling study for point source emissions indicates that the total maximum incremental GLCs after the proposed project would be 58.5 µg/m³, 24.9 µg/m³ and 28.8 µg/m³ with respect to PM₁₀, SO₂ and NO_x. The resultant concentrations are within the National Ambient Air Quality Standards (NAAQS).

10. Total fresh water requirement after expansion will be 743 CMD which will be met from Irrigation Department (Pravara Canal). NOC has been obtained by Irrigation Department vide letter no. 3647/ year 2021, dated 31.12.2021. Existing effluent generation is 720 CMD which is treated through Condensate Polishing Unit of capacity 1350 CMD. Proposed effluent generation will be 1063 CMD which will be treated through proposed Condensate Polishing Unit of capacity 2500 CMD. Raw spent wash will be concentrated in MEE and burnt in incineration boiler. Domestic waste water is being/will be send to aeration tank of CPU. The plant is being/ will be based on Zero Liquid discharge system and treated effluent will not be discharged outside the factory premises.

11. Total power requirement of distillery after expansion will be 2.4 MW which will be sourced from existing 8 MW co-generation power plant in sugar mill. Existing unit has 160 TPH boiler in Sugar mill. ESP with a stack of height of 85 m will be installed with 65 TPH slop/bagasse fired boiler for controlling the particulate emissions within the statutory limit of 50 mg/Nm³. Industry has 500 KVA DG set which will be used as standby during power failure and stack height (6.5 m) will be provided as per CPCB norms to the proposed DG sets.

12. Details of Process emissions generation and its management:

- ESP with a stack of height of 85 m will be installed for controlling the particulate emissions within the statutory limit of 50 mg/Nm³ for the proposed boiler.
- Online Continuous Emission Monitoring System will be installed with the stack

and data will be transmitted to CPCB/SPCB servers.

- CO₂ (160 TPD) will be bottled and supplied to Industries for various uses.

13. Details of solid waste/Hazardous waste generation and its management:

- Concentrated spent wash is being/will be burnt in incineration boiler.
- Fly Ash (224.64 MT/M) and Bottom Ash (56.16 MT/M) will be mixed with press mud and sold as manure.
- CPU Sludge (300 MT/A) will be used as manure.
- Used Oil (Schedule:5.1) (100 Litres/ Annum) will be sold to authorized recycler.

14. During deliberations, EAC discussed following issues:

- PP committed that bio-composting will not be practised in existing as well as proposed capacity.
- PP committed that existing 32 KLPD distillery shall be dismantled before start of construction of expanded capacity.
- Employment shall be given as per State Government Policy.
- CER cost shall be increased to 1% i.e. Rs. 3.13 Crores.
- Committee suggested that PP shall ensure fresh water consumption shall not exceed 2.5 KL/KL of alcohol produced as industry shall explore possibility of reuse of sugar mill treated water.
- EAC noted that greenbelt is very less in the existing land as shown in kml. PP shall provide action plan for developing greenbelt for 1 year timeline. Landscape area shall not be considered under greenbelt. PP has submitted detailed action plan for greenbelt development.

The committee was satisfied with the response provided by PP on above information.

15. The proposal was considered by EAC (Ind-2) in its meeting ID: IA/IND2/13349/11/10/2022 held on 11th October, 2022 in the Ministry, wherein the project proponent and their accredited Consultant namely MM/s. Mantras Green Resources Ltd., Nashik (NABET Certificate No.- NABET/EIA/1922/RA 0201 and validity Nov 07, 2022), presented the case. The Committee **recommended** the project for grant of environmental clearance.

16. The EAC, constituted under the provision of the EIA Notification, 2006 and comprising of Experts Members/domain experts in various fields, have examined the proposal submitted by the Project Proponent in desired form along with the report prepared and submitted by the Consultant accredited by the QCI/ NABET on behalf of the Project Proponent. The EAC noted that the Project Proponent has given undertaking that the data and information given in the application and enclosures are true to the best of his knowledge and belief and no information has been suppressed in the report. If any part of data/information submitted is found to be false/ misleading at any stage, the project will be rejected and Environmental Clearance given, if any, will be revoked at the risk and cost of the project proponent.

17. The Committee noted that the EIA/EMP report is in compliance of the ToR issued for the project, reflecting the present environmental concerns and the projected scenario for all the environmental components. The Committee has found the baseline data is within NAAQ standards. The Committee has deliberated the action plan proposed by the project proponent to arrest the incremental GLC due to the project. The Committee has also deliberated on the CER plan and found to be addressing the issues in the study area. The EAC has deliberated the proposal and has made due diligence in the process as notified under the provisions of the EIA Notification, 2006, as amended from time to time and accordingly made the recommendations to the proposal. The Experts Members of the EAC have found the proposal in order and have **recommended** for grant of environmental clearance.

18. The environmental clearance granted to the project/activity is strictly under the provisions of the EIA Notification 2006 and its amendments. It does not tantamount/construe to approvals/consent/ permissions etc. required to be obtained or standards/conditions to be followed under any other Acts/ Rules/ Subordinate legislations, etc., as may be applicable to the project. The project proponent shall obtain necessary permission as mandated under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, as applicable from time to time, from the State Pollution Control Board, prior to construction & operation of the project.

19. Based on the proposal submitted by the project proponent and recommendations of the EAC (Industry-2), Ministry of Environment, Forest and Climate Change hereby accords environmental clearance to the project proposal for expansion of Sugarcane Juice/ Syrup/"C"/"B" Heavy Molasses based Distillery Capacity from 60 KLPD to 240 KLPD to produce Rectified Spirit/ Extra Neutral Alcohol/ Ethanol located at Gat No. 196/1, Village Pravara Nagar Loni, Tehsil Rahata, District Ahmednagar, State Maharashtra by M/s. Padmashree Dr VitthalraoVikhe Patil Sahakari Sakhar Karkhana Ltd, under the provisions of the EIA Notification, 2006, and the amendments therein, subject to compliance of the terms and conditions as under:-

A. Specific Condition:

- (i). The company shall comply with all the environmental protection measures and safeguards proposed in the documents submitted to the Ministry. All the recommendations made in the EIA/EMP in respect of environmental management, and risk mitigation measures relating to the project shall be implemented. All public hearing issues shall be properly addressed as per timeline and budget submitted.
- (ii). As committed, existing 32 KLPD distillery shall be dismantled before start of construction operations of expanded capacity.
- (iii). NOC from the Concerned Local authority for surface water supply shall be obtained before start of the construction of plant, State Pollution Control Board / Pollution Control Committees shall not issue the Consent to Operate (CTO) under Air (Prevention and Control of Pollution) Act and Water (Prevention and Control of Pollution) Act till the project proponent shall obtain such permission.

- (iv). Total Fresh water requirement shall not exceed 743 CMD which will be met from Irrigation Department (Pravara Canal). No ground water recharge shall be permitted within the premises. Industry shall construct a rain water storage pond of 60 days capacity and the accumulated water to be used as fresh water thereby reducing fresh water consumption.
- (v). Spent wash shall be incinerated in incineration boiler. For spent wash disposal, bio-composting shall not be practised for existing as well as proposed unit. The condensate, spent lees and utilities effluent shall be treated in the ETP comprising tertiary treatment (Condensate Polishing Unit). Treated effluent will be recycled/reused for make up water of cooling towers/process etc. and no waste or treated water from distillery shall be discharged outside the premises and Zero Liquid Discharge shall be maintained for both the units. STP shall be installed to treat sewage generated from factory premises.
- (vi). Electro Static Precipitator (5 field & 99.9% efficiency) with a stack of height of 85 m will be installed with 65 TPH slop/bagasse fired boiler for controlling the particulate emissions within the statutory limit of 50 mg/Nm³. At no time, the emission shall exceed the prescribed standards. In the event of failure of any pollution control system adopted by the unit, the respective unit shall not be restarted until the control measures are rectified to achieve the desired efficiency. Performance assessment of pollution control devices/ systems will be conducted annually.
- (vii). Fly Ash (224.64 MT/M) and Bottom Ash (56.16 MT/M) will be mixed with press mud and sold as manure. PP shall use biomass like rice husk/bagasse as fuel for the proposed boiler. PP shall meet 10% of the total power requirement from solar power by generating power inside plant premises/adjacent/nearby areas.
- (viii). CO₂ (160 TPD) will be bottled and supplied to Industries for various uses.
- (ix). Adequate numbers of ground water quality monitoring stations by providing piezometers around the project area shall be set up. Sampling and trend analysis monitoring must be conducted on monthly basis and report submitted to SPCB and RO, MOEFCC. The ground water quality monitoring for pH, BOD, COD, Chloride, Sulphate and Total Dissolve Solids shall be monitored and report submitted to the Ministry's Regional Office.
- (x). PP shall allocate at least Rs. 50 Lakhs/annum for Occupational Health Safety. Occupational Health Centre for surveillance of the worker's health shall be set up. The health data shall be used in deploying the duties of the workers. All workers & employees shall be provided with required safety kits/mask for personal protection.
- (xi). Training shall be imparted to all employees on safety and health aspects of chemicals handling. Safety and visual reality training shall be provided to employees.

- (xii). The unit shall make the arrangement for protection of possible fire hazards during manufacturing process in material handling. Firefighting system shall be as per the norms. PESO certificate shall be obtained.
- (xiii). Process organic residue and spent carbon, if any, shall be sent to Cement and other suitable industries for its incinerations. ETP sludge, process inorganic & evaporation salt shall be disposed of to the TSDF. Filter press shall be installed for drying of sludge.
- (xiv). The company shall undertake waste minimization measures as below (a) Metering and control of quantities of active ingredients to minimize waste; (b) Reuse of by-products from the process as raw materials or as raw material substitutes in other processes. (c) Use of automated filling to minimize spillage. (d) Use of Close Feed system into batch reactors. (e) Venting equipment through vapour recovery system. (f) Use of high pressure hoses for equipment clearing to reduce wastewater generation.
- (xv). The green belt of at least 5-10 m width shall be developed in nearly 1.33 Hectares i.e. 33% of the total project area with tree density @ 2500 trees per hectares, mainly along the plant periphery. Selection of plant species shall be as per the CPCB guidelines in consultation with the State Forest Department and native species shall be developed. Records of tree canopy shall be monitored through remote sensing map. Greenbelt development i.e. 33% out of total project area @ 2500 trees per hectares shall be completed within 1 year.
- (xvi). PP proposed to allocate Rs. 3.13 Crores towards Extended EMP (CER) which shall be spent as submitted in CER plan for monitorable activities like up-gradation of schools with provision of facilities e.g. Class rooms, playground, Laboratory, Library, Computer class, toilets, Drinking Water Facilities, solar light/solar power support for uninterrupted power supply, soil nutrient management etc. Further, all the proposed activities under CER shall be completed before the commissioning of the plant in consultation with District Administration.
- (xvii). There shall be adequate space inside the plant premises earmarked for parking of vehicles for raw materials and finished products and no parking to be allowed outside on public places. Out of the total project area, 15% shall be allotted solely for parking purposes with facilities like rest rooms etc.
- (xviii). Storage of raw materials shall be either in silos or in covered areas to prevent dust pollution and other fugitive emissions. All stockpiles should be constructed over impervious soil and garland drains with catch pits to trap runoff material shall be provided. Biomass shall be stored in covered sheds and wind breaking walls/curtains shall be provided around biomass storage area to prevent its suspension during high wind speed. All Internal roads shall be paved. Industrial vacuum cleaner shall be provided to sweep the internal roads. The Air Pollution Control System shall be interlocked with process plant/machinery for shutdown in case of operational failure of Air Pollution Control Equipment.

- (xix). Continuous online (24x7) monitoring system for stack emissions/effluent shall be installed for measurement of flue gas discharge and the pollutants concentration, and the data to be transmitted to the CPCB and SPCB server. For online continuous monitoring of effluent, the unit shall install web camera with night vision capability and flow meters in the channel/drain carrying effluent within the premises.
- (xx). A separate Environmental Management Cell (having qualified person with Environmental Science/Environmental Engineering/specialization in the project area) equipped with full-fledged laboratory facilities shall be set up to carry out the Environmental Management and Monitoring functions. EMC head shall report directly to Head of Organization/ Managing Director/CEO as per company hierarchy.
- (xxi). PP shall sensitize and create awareness among the people working within the project area as well as its surrounding area on the ban of Single Use Plastic in order to ensure the compliance of Notification published by MOEFCC on 12th August, 2021. A report along with photographs on the measures taken shall also be included in the six-monthly compliance report being submitted to concerned authority.

B. General Condition:

- (i) No further expansion or modifications in the plant, other than mentioned in the EIA Notification, 2006 and its amendments, shall be carried out without prior approval of the Ministry of Environment, Forest and Climate Change/SEIAA, as applicable. In case of deviations or alterations in the project proposal from those submitted to this Ministry for clearance, a fresh reference shall be made to the Ministry/SEIAA, as applicable, to assess the adequacy of conditions imposed and to add additional environmental protection measures required, if any.
- (ii) The energy source for lighting purpose shall be preferably LED based, or advanced having preference in energy conservation and environment betterment.
- (iii) The overall noise levels in and around the plant area shall be kept well within the standards by providing noise control measures including acoustic hoods, silencers, enclosures etc. on all sources of noise generation. The ambient noise levels shall conform to the standards prescribed under the Environment (Protection) Act, 1986 Rules, 1989 viz. 75 dBA (day time) and 70 dBA (night time).
- (iv) The company shall undertake all relevant measures for improving the socio-economic conditions of the surrounding area. CER activities shall be undertaken by involving local villages and administration and shall be implemented. The company shall undertake eco-developmental measures including community welfare measures in the project area for the overall improvement of the environment.
- (v) The company shall earmark sufficient funds towards capital cost and recurring cost per annum to implement the conditions stipulated by the Ministry of Environment, Forest and Climate Change as well as the State

Government along with the implementation schedule for all the conditions stipulated herein. The funds so earmarked for environment management/ pollution control measures shall not be diverted for any other purpose.

- (vi) A copy of the clearance letter shall be sent by the project proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban local Body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal.
- (vii) The project proponent shall also submit six monthly reports on the status of compliance of the stipulated Environmental Clearance conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF&CC, the respective Zonal Office of CPCB and SPCB. A copy of Environmental Clearance and six monthly compliance status report shall be posted on the website of the company.
- (viii) The environmental statement for each financial year ending 31st March in Form-V as is mandated shall be submitted to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.
- (ix) The project proponent shall inform the public that the project has been accorded environmental clearance by the Ministry and copies of the clearance letter are available with the SPCB/Committee and may also be seen at Website of the Ministry and at <https://parivesh.nic.in/>. This shall be advertised within seven days from the date of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned and a copy of the same shall be forwarded to the concerned Regional Office of the Ministry.
- (x) The project authorities shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of the project.
- (xi) This Environmental clearance is granted subject to final outcome of Hon'ble Supreme Court of India, Hon'ble High Court, Hon'ble NGT and any other Court of Law, if any, as may be applicable to this project.

20. The Ministry reserves the right to stipulate additional conditions, if found necessary at subsequent stages and the project proponent shall implement all the said conditions in a time bound manner. The Ministry may revoke or suspend the environmental clearance, if implementation of any of the above conditions is not found satisfactory.

21. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

22. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

23. The above conditions will be enforced, inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 read with subsequent amendments therein.

24. This issues with the approval of the competent authority.

(A. N. Singh)
Scientist-'E'

Copy to: -

1. The Secretary, Department of Environment, Government of Maharashtra, Mumbai 400 032
2. The Regional Officer, Ministry of Env., Forest and Climate Change, Integrated Regional Office, Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001 Maharashtra
3. The Chairman, Central Pollution Control Board Parivesh Bhavan, CBD-cum-Office Complex, East Arjun Nagar, Delhi -32
4. The Member Secretary, Maharashtra Pollution Control Board, Kalpataru Point, 3rd and 4th floor, Opp. Cine Planet, Sion Circle, Mumbai – 22
5. Monitoring Cell, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi
6. The District Collector, District Ahmednagar, Maharashtra
7. Guard File/Monitoring File/Parivesh portal/Record File.

(A. N. Singh)
Scientist-'E'

E-mail: aditya.narayan@nic.in
Tel. No. 11-24642176

AFFIDAVIT

I, **Smt. Sangita Vitthal Pawar**, aged about 52 years, am the owner of Gut No. 512/2, Village :Tambhere, District Ahmednagar. It has been brought to my notice that there is a case filed in NGT WZ Pune No. 143/2017 by Kushabapu Pawar the owner of the adjoining Gut No. 511. It has alleged that the disposal of spent wash / compost by tanker/truck in my farm at Gut No. 512 has resulted in to damage to his neighboring pomegranate farm in Gut No. 511. I hereby state that there is no such compliant known to me. No such incidence happned in my farm/Gut/Plot. My farm in Gut No. 512/2 is doing well from 2012 to 2023 normally and as per general average farmers in the area. I have been planting various crops in the past 11 years and there is no abnormality, damage, observed to my farm / Gut / plot. The above statement is written in English. The translation of the same has been read to me in Marathi (my mother tongue) for explanation purpose. I have signed it after reading it. I agree with the meaning and contents of the same as written above. The facts stated herein above are true & correct to the best of my knowledge.

This affidavit is to be filed before Hon'ble NGT(WZ),Pune.

KD
Before me

Left hand thumb impression of Sangita Pawar in front of me.
Affiant,

Solemnly Affirmed On Oath By Shri.
Sangita Vitthal Pawar
Who is identified By Me Shri.....
Uttar
To Whom Personally Know.

(Smt. Sangita Vitthal Pawar) *Pawar*



BEFORE ME
KD
K. D. GADHAVE
DVOCATE & NOTAR
(Govt Of India
Min. 9422726295



शपथपत्र

मी, श्रीमती. संगीता विठ्ठल पवार , वय सुमारे ५२ वर्षे, गट क्रमांक ५१२/२ , गाव :तांभेरे, जिल्हा :अहमदनगर ची मालक आहे. माझ्या निदर्शनास आणून दिले आहे की राष्ट्रीय हरीत लवाद,पश्चिम विभाग, पुणे येथे केस क्र. १४३/२०१७ ची माझे शेजारील गट क्र. ५११ चे मालक कुशाबापू पवार यांनी दाखल केलेली आहे. त्यात टँकर/ट्रक द्वारे स्पेंटवॉश/कंपोस्टची विल्हेवाट लावल्याचा आरोप आहे. माझ्या मालकीच्या गट क्र. ५१२ येथील शेतात टाकलेल्या स्पेंटवॉश/कंपोस्ट मुळे त्यांच्या शेजारील डाळिंबाच्या शेताचे नुकसान झाले आहे असे त्यांचे तक्रारीत म्हणणे आहे. मी याद्वारे सांगते की, मला असे काहीही माहितीत नाही. माझ्या शेतात/गट/प्लॉटमध्ये अशी कोणतीही घटना घडलेली नाही. गट क्रमांक ५१२/२ मधील माझी शेती २०१२ ते २०२३ या कालावधीत, साधारणपणे आणि परिसरातील सर्वसाधारण सरासरी शेतकऱ्यांप्रमाणे चांगली झालेली आहे. मी गेल्या ११ वर्षांपासून विविध पिकांची लागवड करत आहे आणि माझ्या शेतात/गट/प्लॉटमध्ये कोणतेही नुकसान झालेले नाही. वरील विधान राष्ट्रीय हरीत लवाद च्या नियमानुसार इंग्रजीत लिहिलेले आहे. त्याचा अनुवाद मला मराठी (माझी मातृभाषा) स्पष्टीकरणासाठी वाचण्यास देण्यात आला आहे. ते वाचून मी सही केली आहे. मी वर लिहिल्याप्रमाणे अर्थ आणि मजकुराशी सहमत आहे. त्याचे सत्यतेसाठी याखाली माझी सही/अंगठा केला आहे.

Solemnly Affirmed On Oath By Shri.

Sangeeta Vitthal Pawar

Who is identified By Me Shri. Uttar

Manoj.....To Whom Personally Know.

माझे समक्ष Manoj

BEFORE ME

Manoj
25/11/19
K. D. GADHAVE
ADVOCATE & NOTARY

(Govt. of India
M. 122022)

प्रतिज्ञापत्र करणार,

(श्रीमती. संगीता विठ्ठल पवार)



स. कि. का. संगीता विठ्ठल
पवार या. डा. हा. भे. दे.

Manoj





महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवद्दा (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- तांभेरे (५५८१७९)

तालुका :- राहुरी

जिल्हा :- अहमदनगर



ULPIN : 23106756523

गट क्रमांक व उपविभाग

५१२/२

23106756523

भुधारणा पद्धती भोगवटादार वर्ग -१

शेताचे स्थानीक नाव :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक हे.आर.चौ.मी	११०८	संगीता विठ्ठल पवार	०.४०.००	०.९०	०.०१.००	(२६३४)	कुळाचे नाव व खंड
अ) लागवड योग्य क्षेत्र जिरायत - बागायत ०.४०.०० एकुण ला.यो. क्षेत्र ०.४०.००							इतर अधिकार इतर पुनर्वसन कायदा लागू इतर बोजा
ब) पोटखराब क्षेत्र (लागवड अयोग्य) वर्ग (अ) ०.०१.०० वर्ग (ब) - एकुण पो.ख.क्षेत्र ०.०१.००							प्रमाणे संगीता विठ्ठल पवार यानी प्रेरणा ग्रामीण बिगरशेती सहकारी पतसंस्था मर्यादित गुहा शाखा तांभेरे ता राहुरी जि अहमदनगर यांच्या कडुन रक्कम रुपये १५००००.०० कर्ज घेवून गहाणखत करुन दिले.(४८६६)
एकुण क्षेत्र (अ+ब) ०.४१.००							प्रलंबित फेरफार : नाही.
आकारणी ०.९०							शेवटचा फेरफार क्रमांक : ४८६६ व दिनांक : ०८/०८/२०२१
जुडी किंवा विशेष आकारणी							
जुने फेरफार क्र : (१५२२) (२७२९)							सीमा आणि भुमापन चिन्हे :

ई महाभूमि



हा गाव नमुना क्रमांक ७ दिनांक ०८/०८/२०२१:१२:४८:३७ PM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ चा डेटा स्वयंप्रमाणित असल्यामुळे ७/१२ अभिलेखावर वर कोणत्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ डाउनलोड दि. : २५/१०/२०२३ : १०:१२:५२ AM. वैधता पडताळणीसाठी <https://digitalsatbara.mahabhumi.gov.in/dslr/> या संकेत स्थळावर जाऊन 2610100001156897 हा क्रमांक वापरावा.

पृष्ठ क्र. १/२

Digitally signed

गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]

गाव :- तांभेरे (५५८१७९)

तालुका :- राहुरी

जिल्हा :- अहमदनगर

गट क्रमांक व उपविभाग

५१२/२

वर्ष	हंगाम	खाते क्रमांक	पिकाखालील क्षेत्राचा तपशील				लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा	
			पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप		क्षेत्र
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
					हे.आर.चौ.मी	हे.आर.चौ.मी			हे.आर.चौ.मी	
२०२१-२२	खरीप	११०८	निर्भळ	सोयाबीन			०.५१००			
२०२२-२३	खरीप	११०८*	निर्भळ	सोयाबीन			०.५१००			
२०२३-२४	खरीप	११०८*	निर्भळ	सोयाबीन			०.५१००			

टीप : ** सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे

ई सहा भूमि

AFFIDAVIT

I, Sou. Shobha Sanjay Pawar, aged about 50 years, am the owner of Gut No. 512/3, Village :Tambhere, District Ahmednagar. It has been brought to my notice that there is a case filed in NGT WZ Pune No. 143/2017 by Kushabapu Pawar the owner of the adjoining Gut No. 511. It has alleged that the disposal of spent wash / compost by tanker/truck in my farm at Gut No. 512 has resulted in to damage to his neighboring pomegranate farm in Gut No. 511. I hereby state that there is no such compliant known to me. No such incidence happned in my farm/Gut/Plot. My farm in Gut No. 512/3 is doing well from 2012 to 2023 normally and as per general average farmers in the area. I have been planting various crops in the past 11 years and there is no abnormality, damage, observed to my farm / Gut / plot. The above statement is written in English. The translation of the same has been read to me in Marathi (my mother tongue) for explanation purpose. I have signed it after reading it. I agree with the meaning and contents of the same as written above. The facts stated herein above are true & correct to the best of my knowledge.

This affidavit is to be filed before Hon'ble NGT(WZ),Pune.

Before me

Solemnly Affirmed On Oath By Shri. Shobha Sanjay Pawar Who is identified By Me Shri. Usha Menave To Whom Personally Know.

S. S. Pawar

Affiant,

(Sou. Shobha Sanjay Pawar)

BEFORE ME

K. D. GADHAVE
DVOCATE & NOTARY
(G. India
1726294



शपथपत्र

मी, सौ. शोभा संजय पवार, वय सुमारे ५० वर्षे, गट क्रमांक ५१२/३, गाव :तांभेरे, जिल्हा :अहमदनगर ची मालक आहे. माझ्या निदर्शनास आणून दिले आहे की राष्ट्रीय हरीत लवाद,पश्चिम विभाग, पुणे येथे केस क्र. १४३/२०१७ ची माझे शेजारील गट क्र. ५११ चे मालक कुशाबापू पवार यांनी दाखल केलेली आहे. त्यात टँकर/ट्रक द्वारे स्पेंटवॉश/कंपोस्टची विल्हेवाट लावल्याचा आरोप आहे. माझ्या मालकीच्या गट क्र. ५१२ येथील शेतात टाकलेल्या स्पेंटवॉश/कंपोस्ट मुळे त्यांच्या शेजारील डाळिंबाच्या शेताचे नुकसान झाले आहे असे त्यांचे तक्रारीत म्हणणे आहे. मी याद्वारे सांगते की, मला असे काहीही माहितीत नाही. माझ्या शेतात/गट/प्लॉटमध्ये अशी कोणतीही घटना घडलेली नाही. गट क्रमांक ५१२/३ मधील माझी शेती २०१२ ते २०२३ या कालावधीत, साधारणपणे आणि परिसरातील सर्वसाधारण सरासरी शेतकऱ्यांप्रमाणे चांगली झालेली आहे. मी गेल्या ११ वर्षांपासून विविध पिकांची लागवड करत आहे आणि माझ्या शेतात/गट/प्लॉटमध्ये कोणतेही नुकसान झालेले नाही. वरील विधान राष्ट्रीय हरीत लवाद च्या नियमानुसार इंग्रजीत लिहिलेले आहे. त्याचा अनुवाद मला मराठी (माझी मातृभाषा) स्पष्टीकरणासाठी वाचण्यास देण्यात आला आहे. ते वाचून मी सही केली आहे. मी वर लिहिल्याप्रमाणे अर्थ आणि मजकुराशी सहमत आहे. त्याचे सत्यतेसाठी याखाली माझी सही/अंगठा केला आहे.

Solemnly Affirmed On Oath By Shri.
Shobha Sanjay Pawar
Who is identified By Me Shri. Vhan
Mansule To Whom Personally know.
माझे समक्ष

S.S. Pawar

प्रतिज्ञापत्र करणार,

(सौ. शोभा संजय पवार)

BEFORE ME

K. D. GADHAVE
ADVOCATE & NOTARY

India
26299





महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- तांभेरे (५५८१७९)

तालुका :- राहुरी

जिल्हा :- अहमदनगर



ULPIN : 30435983872

गट क्रमांक व उपविभाग

५१२/३

30435983872

भुधारणा पद्धती भोगवटादार वर्ग -१

शेताचे स्थानीक नाव :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो. ख.	फेरफार क्र	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक हे.आर.चौ.मी	११०९	शोभा संजय पवार	०.४०.००	०.९०	०.०१.००	(२६३४)	कुळाचे नाव व खंड
अ) लागवड योग्य क्षेत्र							इतर अधिकार
जिरायत -							इतर
बागायत ०.४०.००							पुनर्वसन कायदा लागू
एकुण							इतर
ला.यो. क्षेत्र ०.४०.००							प्रलंबित फेरफार : नाही.
ब) पोटखराब क्षेत्र (लागवड अयोग्य)							शेवटचा फेरफार क्रमांक : --- व दिनांक : ---
वर्ग (अ) ०.०१.००							
वर्ग (ब) -							
एकुण							
पो. ख. क्षेत्र ०.०१.००							
एकुण क्षेत्र ०.४१.०० (अ+ब)							
आकारणी ०.९०							
जुडी किंवा विशेष आकारणी							
जुने फेरफार क्र : (१५२२) (२७२९)							सीमा आणि भुमापन चिन्हे :



हा गाव नमुना क्रमांक ७ दिनांक ३०/०६/२०१९:०८:४६:०९ AM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ चा डेटा स्वयंप्रमाणित असल्यामुळे ७/१२ अभिलेखावर वर कोणत्याही सही शिक्क्याची आवश्यकता नाही.
७/१२ डाउनलोड दि. : २५/१०/२०२३ : १०:१३:२२ AM. वैद्यता पडताळणीसाठी <https://digitalsatbara.mahabhumi.gov.in/dslr/> या संकेत स्थळावर जाऊन 2610100001032004 हा क्रमांक वापरावा.

पृष्ठ क्र. १/२

Digitally signed



गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]

गाव :- तांभेरे (५५८१७९)

तालुका :- राहुरी

जिल्हा :- अहमदनगर

गट क्रमांक व उपविभाग

५१२/३

वर्षे	हंगाम	खाते क्रमांक	पिकाखालील क्षेत्राचा तपशील				लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा	
			पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप		क्षेत्र
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
					हे.आर.चौ.मी	हे.आर.चौ.मी			हे.आर.चौ.मी	
२०१९-२०	खरीप		निर्मळ	बाजरी	०.४०००					
	रब्बी		निर्मळ	हरभरा	०.४०००					
२०२१-२२	खरीप	११०९	निर्मळ	सोयाबीन		०.४१००				

टीप : ** सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे

ई महा भूमि

AFFIDAVIT

I, **Smt. Lata Ramnath Pawar**, aged about 70 years, am the owner of Gut No. 512/1, Village :Tambhere, District Ahmednagar. It has been brought to my notice that there is a case filed in NGT WZ Pune No. 143/2017 by Kushabapu Pawar the owner of the adjoining Gut No. 511. It has alleged that the disposal of spent wash / compost by tanker/truck in my farm at Gut No. 512 has resulted in to damage to his neighboring pomegranate farm in Gut No. 511. I hereby state that there is no such compliant known to me. No such incidence happned in my farm/Gut/Plot. My farm in Gut No. 512/1 is doing well from 2012 to 2023 normally and as per general average farmers in the area. I have been planting various crops in the past 11 years and there is no abnormality, damage, observed to my farm / Gut / plot. The above statement is written in English. The translation of the same has been read to me in Marathi (my mother tongue) for explanation purpose. I have signed it after reading it. I agree with the meaning and contents of the same as written above. The facts stated herein above are true & correct to the best of my knowledge.

This affidavit is to be filed before Hon'ble NGT(WZ),Pune.

Solemnly Affirmed On Oath By Shri.
Lata Ramnath Pawar
Who is identified By Me Shri...*Uttam*
To Whom Personally Know.
Before me

लाता रामनाथ पवार
Affiant,

(Smt. Lata Ramnath Pawar)

BEFORE ME

K.D. Gadhave
K. D. GADHAVE
ADVOCATE & NOTARY
of India,
No. 422/86299



शपथपत्र

मी, श्रीमती लता रामनाथ पवार, वय सुमारे ७० वर्षे, गट क्रमांक ५१२/१, गाव :तांभेरे, जिल्हा :अहमदनगर ची मालक आहे. माझ्या निदर्शनास आणून दिले आहे की राष्ट्रीय हरीत लवाद,पश्चिम विभाग, पुणे येथे केस क्र. १४३/२०१७ ची माझे शेजारील गट क्र. ५११ चे मालक कुशाबापू पवार यांनी दाखल केलेली आहे. त्यात टँकर/ट्रक द्वारे स्पेंटवॉश/कंपोस्टची विल्हेवाट लावल्याचा आरोप आहे. माझ्या मालकीच्या गट क्र. ५१२ येथील शेतात टाकलेल्या स्पेंटवॉश/कंपोस्ट मुळे त्यांच्या शेजारील डाळिंबाच्या शेताचे नुकसान झाले आहे असे त्यांचे तक्रारीत म्हणणे आहे. मी याद्वारे सांगते की, मला असे काहीही माहितीत नाही. माझ्या शेतात/गट/प्लॉटमध्ये अशी कोणतीही घटना घडलेली नाही. गट क्रमांक ५१२ मधील माझी शेती २०१२ ते २०२३ या कालावधीत, साधारणपणे आणि परिसरातील सर्वसाधारण सरासरी शेतकऱ्यांप्रमाणे चांगली झालेली आहे. मी गेल्या ११ वर्षांपासून विविध पिकांची लागवड करत आहे आणि माझ्या शेतात/गट/प्लॉटमध्ये कोणतेही नुकसान झालेले नाही. वरील विधान राष्ट्रीय हरीत लवाद च्या नियमानुसार इंग्रजीत लिहिलेले आहे. त्याचा अनुवाद मला मराठी (माझी मातृभाषा) स्पष्टीकरणासाठी वाचण्यास देण्यात आला आहे. ते वाचून मी सही केली आहे. मी वर लिहिल्याप्रमाणे अर्थ आणि मजकुराशी सहमत आहे. त्याचे सत्यतेसाठी याखाली माझी सही/अंगठा केला आहे.

Solemnly Affirmed On Oath By Shri.
Lata Ramnath Pavar
Who is identified By Me Shri. Ute
Name To Whom Personally Know.
माझे समक्ष

लता रामनाथ पवार

BEFORE ME

K. D. GADHAVE
ADVOCATE & NOTARY
(C. India)
1999

प्रतिज्ञापत्र करणार,

(श्रीमती लता रामनाथ पवार)





महाराष्ट्र शासन

गाव नमुना सात (अधिकार अभिलेख पत्रक)

[महाराष्ट्र जमीन महसुल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम ३,५,६ आणि ७]

गाव :- तांमेरे (५५८१७९)

तालुका :- राहुरी

जिल्हा :- अहमदनगर



ULPIN : 17118509103

गट क्रमांक व उपविभाग

५१२/१

17118509103

मुधारणा पद्धती भोगवटादार वर्ग -१

शेताचे स्थानीक नाव :

क्षेत्र, एकक व आकारणी	खाते क्र.	भोगवटादाराचे नाव	क्षेत्र	आकार	पो.ख.	फेरफार क्र	कुळ, खंड व इतर अधिकार
क्षेत्राचे एकक हे.आर.चौ.मी	११०७	लता रामनाथ पवार	०.४१.००	०.९०		(२६३४)	कुळाचे नाव व खंड
अ) लागवड योग्य क्षेत्र							इतर अधिकार
जिरायत ०.४१.००							इतर
बागायत -							वारस
एकुण							ठमाजी मुरलीधर पवार (८०)
ला.यो. क्षेत्र ०.४१.००							धोडीराम मुरलीधर (८०)
							विठाबाई मुरलीधर पवार (८०)
ब) पोटखराब क्षेत्र							आबाजी मुरलीधर (८०)
(लागवड अयोग्य)							इदूबाई रखमाजी माढरे (८०)
वर्ग (अ) -							इतर
वर्ग (ब) -							इतर
एकुण							बोजा - राष्ट्रीयकृत बँक गहाण
पो.ख.क्षेत्र ०.००.००							देना बँक गुहा न.ग.घे. (११७५)
							इतर
एकुण क्षेत्र ०.४१.००							
(अ+ब)							प्रलंबित फेरफार : नाही.
आकारणी ०.९०							शेवटचा फेरफार क्रमांक : --- व दिनांक : ---
जुडी किंवा विशेष आकारणी							
जुने फेरफार क्र : (१) (८०) (१९६) (४६६) (१३०३) (१५२२) (२६३४) (२७२९)							सीमा आणि भुमापन चिन्हे :

ई महा भूमि



हा गाव नमुना क्रमांक ७ दिनांक ३०/०६/२०१९:०८:४४:४१ AM रोजी डिजिटल स्वाक्षरीत केला आहे व गाव नमुना क्रमांक १२ चा डेटा स्वयंप्रमाणित असल्यामुळे ७/१२ अभिलेखावर वर कोणत्याही सही शिक्क्याची आवश्यकता नाही.

७/१२ डाउनलोड दि. : २५/१०/२०२३ : १०:१२:१८ AM. वैधता पडताळणीसाठी <https://digitalsatbara.mahabhumi.gov.in/dslr/> या संकेत स्थळावर जाऊन 2610100001032003 हा क्रमांक वापरावा.

पृष्ठ क्र. १/२

Digitally signed

गाव नमुना बारा (पिकांची नोंदवही)

[महाराष्ट्र जमीन महसूल अधिकार अभिलेख आणि नोंदवह्या (तयार करणे व सुस्थितीत ठेवणे) नियम १९७१ यातील नियम २९]

गाव :- तांभेरे (५५८१७९)

तालुका :- राहुरी

जिल्हा :- अहमदनगर

गट क्रमांक व उपविभाग

५१२/१

वर्षे	हंगाम	खाते क्रमांक	पिकाखालील क्षेत्राचा तपशील				लागवडीसाठी उपलब्ध नसलेली जमीन		शेरा	
			पिकाचा प्रकार	पिकांचे नाव	जल सिंचित	अजल सिंचित	जल सिंचनाचे साधन	स्वरूप		क्षेत्र
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)
					हे.आर.चौ.मी	हे.आर.चौ.मी			हे.आर.चौ.मी	
२०२३-२४	खरीप	११०७*	निर्भळ	सोयाबीन			०.४१००			

टीप : ** सदरची नोंद मोबाइल ॲप द्वारे घेणेत आलेली आहे

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15/11/2023

Third Party Funds Transfer

Payment made to NGT Bar Association (Western Zone)



Congratulations, your RTGS/NEFT transaction is completed successfully!
You've won yourself a Special Offer.



Avail now

*T&C apply

To Other Bank (NEFT)



Reference Number	N290232693301683
From Account	50100047628739
Beneficiary Name	NGT BAR ASSOCIATION
Beneficiary IFSC Code	BKID0000518
Beneficiary Account Number / Credit Card Number	051820110000705
Bank Name	BANK OF INDIA
Transfer Amount	5,000.00
Transfer Description	143 2017VikhePatil
Mode of Communication	EML
Communication detail	anagha.mahabal@gmail.com

Make Another Transfer

Note:

- The actual time taken to credit the account depends on the time taken by the Payee's Bank to process the payment.
- The money will reach the Payee's bank within the time stipulated by the Reserve Bank of India.
- HDFC Bank is not responsible for any charges / commission of any kind levied/charged by the Beneficiary Bank.
- For details on safe NetBanking practices please [click here](#)



Proof of Service

raghunath mahabal <adv.rbmahabal@gmail.com>

NGT OA 143/2017 (WZ) Kushabapu Rangnath Pawar Vs Padmashree Dr. Vitthalrao Vikhe Patil SSK : Next Date: 30/01/2024 : R-1 M/S.Padmashree Dr. Vitthalrao Vikhe Patil Sahakari Sakhar Karkhana.: Objection and Written Submission

1 message

raghunath mahabal <adv.rbmahabal@gmail.com>

28 October 2023 at 16:29

To: National Green Tribunal Pune <ngt-pune@gov.in>, "Adv. Vilas Jadhav" <vilasajadhav@gmail.com>, Aniruddha Kulkarni <aniruddha1488@gmail.com>

Cc: "Adv. Asim Sarode" <asim.human@gmail.com>, Raghunath Mahabal <mahabal60@gmail.com>, Adv Sachin S Gore 7350212877 <ssgore2005@gmail.com>

I am pleased to circulate the submissions of documents as above under the subject.

Regards

Dhananjay Chavan 7038383654

= Raghunath Mahabal, Advocate +91-74-0011-6222 [adv.](tel:+917400116222)rbmahabal@gmail.com =

B-202 Chandravijay, Phule Road, Mulund East, Mumbai-400081

| Adv. Sumedha Marathe | Adv. Ashlesha Gondhalekar | Adv. Antima Bazaz New Delhi |

 **2023-10-28 Objections to JCR R-1 VIKHE SSK.pdf**
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