

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

ORIGINAL APPLICATION NO. 90 OF 2023

RAVINDRA KUBER WALAWADE

...APPLICANT

Versus

PADMABHUSHAN VASANTDADA PATIL

GOVERNMENT HOSPITAL & OTHERS

...RESPONDENTS

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**Omkar Wangikar**

Advocate for Applicant

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**REJOINDER ON BEHALF OF THE APPLICANT, TO THE REPLY
AFFIDAVIT FILED BY RESPONDENT NO. 1, PADMABHUSHAN
VASANTDADA PATIL GOVERNMENT HOSPITAL, SANGLI**

Most Respectfully Showeth :

1. That the above titled application has been filed under Section 14, 15, and 20 of the National Green Tribunal Act, 2010, pertains to the substantial issue of environment due to Respondent No. 1 is Padmabhushan Vasantdada Patil Government Hospital, Sangli, running without valid consent from Maharashtra Pollution Control Board, also operating the hospital without obtaining valid bio-medical waste authorization and discharging untreated waste water into the municipal corporation drain with the due knowledge and collusion of the regulatory agencies and with the permanent, irreversible damage caused to the environment.
2. That the instant Rejoinder is being filed by the Applicant in the aforementioned matter to refute the averments made by the Respondent No. 1, in its Reply dated 06.09.2023.
3. It is submitted that the answering Respondent No. 1 has mechanically filed said Reply without application of mind. Hence, it is submitted that the averments and allegations mentioned in reply of the Respondent No. 1 are denied in toto unless it is specifically admitted or reiterated

hereunder and no part of the same may be deemed to have been admitted otherwise.

PRELIMINARY SUBMISSION:

4. That, it is further submitted that, the Respondent No. 1 has filed the said reply along with various Marathi documents and while going through the reply the English translation of Marathi documents are missing.
5. Further said reply is not filed on NGT Portal as per the process. Hence this reply filed by the Respondent No. 1 should not be considered.
6. That, inspite of said Original Application is filed against the Respondent No. 1, the Respondent No. 1 till date failed to comply the non-compliances mentioned on the Warning Notice dated 21.10.2022 the issued by the Respondent No. 4 as follows:-
 - i. You are operating your hospital unit without obtaining valid CCA & Bio - Medical Waste (BMW) Authorization. Your earlier BMW Authorization vide dtd. 22/01/2013 which was valid up to 28/02/2013 for 388 Beds only.
 - ii. You are operating your hospital unit with 390 beds, however the membership of Common Bio Medical Waste Treatment Storage & Disposal Facility (CBMWTSDF) is for 380 Beds.
 - iii. You have not obtained permission from Central Ground Water Authority (CGWA) for withdrawal of ground water.
 - iv. You have not provided Sewage treatment Plant (STP) for the treatment of domestic effluent - 250.00 CMD. The untreated domestic effluent is being disposed into Corporation drain.
 - v. You have not provided Effluent treatment Plant (ETP) for the treatment of industrial / hospital (generated from pathology lab, Laundry & Canteen etc.) effluent 50.00 CMD. The untreated effluent is directly disposed into municipal drain without any treatment.
 - vi. APC's to the DG is inadequate. Hospital having 03 nos. of D.G. Sets capacity 12:50, 50.0 & 125.0 KVA. You have not provided

adequate acoustic encloser to D.G. Sets of 12.50 KVA & 50.0 KVA cap.

vii. You have not maintained the disposal records of non- hazardous waste such as plastic, papers, Garbage etc.

viii. You have not provided scientific storage facility as per BMW Rules for Bio - Medical Waste. Same is found stored on open land within premises.

ix. You have not submitted BMW Annual Reports as per BMW Rule, 2016 authorization granted by the Board.

x. You have not submitted Bank Guarantee of Rs. 2.0 Lakhs as per previous

xi. You have not submitted reply to the Warning Notice issued by Sub - regional officer, MPCB, Sangli.

7. That, it pertaining to note that, the Respondent No. 3 have issued Proposed Direction dated 07.09.2023 under Environment (Protection) Act, 1986 has notified the Bio-Medical Waste (Management and Handling) Rules, 2016 and Section 33A of Water (Prevention and Control of Pollution) Act, 1974 and Section 33A of Air (Prevention and Control of Pollution) Act, 1981, to the Respondent No. 1 but till date the Respondent No. 1 have not submitted any reply to the said Proposed Direction dated 07.09.2023 issued by the Respondent No. 3, which shows that inspite the said Original Application is filed against the Respondent No. 1 the Respondent No. 1 is not willing to take appropriate measures to comply the non-compliances.

REJOINDER TO PARA-WISE REPLY:

8. That para "6" are false and fabricated and it is denied by the Applicant. That the Respondent No. 1 has stated that the proposed work of STP is under proposal with Maharashtra Jeevan Pradhikaran, Sangli but till date tender notice is not issued which shows that there is complete failure on the part of Respondent No. 1.

9. That para "7" are false and fabricated and it is denied by the Applicant. That the Respondent No. 1 has stated that, for cleanliness and disposal of biomedical waste the Respondent No. 1 has outsource the work and appointed M/s. Son House Mumbai but the Respondent No. 1 has failed to comply non compliances mentioned warning notice issued by Respondent No. 4. Further the Respondent No. 1 failed to submit any compliance report with respect to the warning notice also failed to submit any photographs which showing that this entire non-compliance are compiled by the Respondent No. 1 which means till date there are severe non-compliances of Biomedical Waste Management Rules 2016 by the Respondent No. 1, and hence this shows that the careless attitude of Respondent No. 1 towards the environment.
10. That para "13" are false and fabricated and it is denied by the Applicant. The Respondent No. 1 herein is clearly violating the environmental laws and operating the said hospital without having necessary consent and permission from the respective authorities. Also violated Bio-Medical Waste (Management and Handling) Rules, 2016, as well as Water (Prevention and Control of Pollution) Act, 1981.
11. The Respondent No. 1 has failed to apply for Combined Consent and Authorisation due to its own negligence and careless attitude towards his duty to comply the environmental norms.

Therefore it is humbly prayed that this Hon'ble Tribunal may be pleased to rejoinder filed by the rejoinder on behalf of the Applicant, to the reply affidavit filed by Respondent No. 1, and grant the prayers in original application, and pass such further or other orders in the interest of environmental justice.

Place: Sangli

Date: 29.11.2023



Advocate for Applicant

Noted Register

Serial Number. 3834/2023

29 NOV 2023

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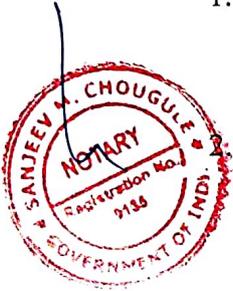
...RESPONDENTS

AFFIDAVIT

I, Ravindra Kuber Walawade, aged 58 years, Occ: Business, R/o. 1616, Daulat apartment, Ganeshnagar, road no. 4, Sangli 416416, Maharashtra, do hereby make an oath to swear as under –

1. That I am the sole Applicant in the present Original Application and I am well conversant with the facts and circumstance of the case and competent to file this affidavit.

The accompanying rejoinder to the Reply affidavit filed by Respondent No. 1 has been drafted under my instruction and the facts mentioned therein are true to my knowledge and the records obtained.

VERIFICATION

I, the above named deponent do hereby verify that the contents of Para 1 and 2 of the above affidavit are true to my knowledge.

Hence signed and verified at Sangli on this 29th day of November 2023.

ADVOCATE FOR THE APPLICANT

DEPONENT

Noted Register

Serial Number. 3834/2023

Solely affirmed
BEFORE ME

Adv. S. M. Chougule
Notary Government of India
Dist. Sangli Reg. No. 9136

29 NOV 2023

