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

Original Application No.14 of 2025 WZ.

Kailas Narke

..... Applicant.

VERSUS

1. M/s Maharashtra Enviro Power Limited
& Ors.

.....Respondents.

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3mm/14/25

Applicant's Advocate

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

Original Application No. 14 of 2025 WZ.

Kailas Narke
Talegaon-Dhamdhere, Tal.- Shirur
Dist. Pune
kailasnarke@gmail.com

..... Applicant.

VERSUS

**M/s Maharashtra Enviro Power Limited
& Ors.**

.....Respondents.

**Re-Joinder Affidavit to the Affidavit in Compliance of the Order dated 10.02.2025
passed by Hon'ble Tribunal on behalf of Respondent No.2**

MAY PLEASE YOUR HONOUR

I, Kailas Narke, the Applicant in the above matter is filing the Re-joinder Affidavit in Reply to the Preliminary Affidavit filed by and on behalf of the Respondent No.2 (R.No.2) as under-

- 1) I say and submit that, the R.No.2 has filed only Preliminary Affidavit in Compliance of the Order passed by this Hon'ble Tribunal without giving any Para-wise-Reply to the Main Applications filed by the Applicant more particularly in respect of specific non-compliances observed at the time of investigation of various complaints made by almost all the nearby Gram panchayats as well as various non-compliances reported by the Filed Officers during their routine visits to check the compliance of Consent Conditions without giving any of the supporting analytical reports of samples collected from time to time by the MPCB for the reasons best known to it. In order to the R.No.2 has also not given any justifications about why further necessary actions except show cause notices, proposed directions and in-effective directions issued by it and also ineffective prosecution launched by it. Therefore, the R.No.2 should file a detailed para-wise Affidavit in Reply to the main Applications on the following points –

1.1) The Affidavit of R.No.2 does not give any justification in respect of not initiating any substantive action with regard to the specific non-



compliances observed during the visit and inspection of the R.No.1 Common Hazardous Waste Treatment, Storage and Scientific Disposal of large quantity of Hazardous Waste brought to its facility from 25.11.2019 till 19.09.2024 (**Annexure F to M of the Application- Pages 124 to 149 of the Main Application**).

1.2) The R.No.2 though has issued repeated Show-Cause Notices dated 22.12.2021 and 24.01.2022, proposed directions dated 07.07.2021 and directions dated 18.02.2022 respectively, no substantive actions including stoppage of serious air, water, and soil pollution caused in the surrounding area have been initiated (**Annexure N to Annexure R of the Application-Pages 150 to 160 of the Main Application**). It is more surprising that on account of serious recurring complaints, though the R.No.2 has no alternative than to file prosecution in 2015 as a showcase action, no further steps are taken to take follow-up of conducting prosecution case, which can be evident that since 2015 till date the summons are not yet served on the Responsible officers of the Respondent No.1 in order to protect them from prosecution or having hands in gloves with them. A copy of the Rojnama of R.C.C No. 4179 of 2015 is enclosed and marked as an **Annexure No. I**. More surprising is that the R.No.2 deliberately has not made available copy of the prosecution case/details at the time of making available certain documents about actions initiated by it under Right to Information Act, 2005 to the Applicant, Hence, it is necessary that the R.No.2 should file a detailed Para-wise Affidavit in Reply to the Main Application giving justification for not initiating substantive action/s.

1.3) The R. No.2 has not given any justification about why it has not taken steps to prevent, control and abate pollution after investigation of the complaints at (**Annexure S to AA- Pages 161 to 199 of the Main Application**), where the air, water and soil pollution was specifically observed at the time of investigation of complaints.



1.4) The R.No.2 has not monitored effectively air, water, soil and environment pollution caused by the R.No.1 for reasons best known to it. No regular monitoring done as per Enforcement Framework for Effective Implementation of Hazardous and Other Waste (Management and Transboundary Movement) Rule, 2016 and as per, specific conditions imposed in Schedule "A" Operating Requirements for the CHWTSDF (Page 43 to 55) of the Application. Therefore, the R.No.2 should file on record all monitoring done during last 5 years more particularly with regard to the investigation of various complaints in respect of air, water, soil and environmental pollution as well as its regular monitoring as per the operating requirements for the CHWTSDF being the Common Facility collecting hazardous waste from 1/3rd of the Maharashtra (18 Districts).

1.5) It is surprising that the Preliminary-Affidavit in compliance of the Order passed by this Hon'ble Tribunal dated 10.02.2025 though stated that the Respondent-Board has issued Circular dated 15.02.2024 in respect of disposal of hazardous waste for co-processing to be routed through pre-processing at R.No.1 facility at Ranjangaon, it does not give any justification what was the necessity to monopolise only for R.No.1 through out India hazardous and other waste through it. In fact, on account of double transporting of hazardous waste i.e. from each industry in 18 Districts of Maharashtra and then again to Cement Factory itself unnecessary creating the vehicular pollution, spillages and also traffic jam, which could have been processed in de-centralised manner in different industrial areas itself. In Maharashtra, this kind of favouritism is only done for MEPL, R.No.1 for reasons best known to MPCB.

1.6) As far as the Reply of R.No.2, it clearly admitted that since beginning the Katcha Pond was there and samples were collected on 19.09.2024 and 20.01.2025, but not brought on record in between period. It is further admitted that seepages from industrial premises collected on 19.09.2024 and 17.10.2024. Its speaks about only COD parameter and



not for other parameters. Therefore, the non-compliance period continues till the Katcha Pond is completely removed, for which period the non-compliance of disposal in violation of Consent Condition about ZLD was there, for which EDC will have to be calculated.

1.7) The R.No.1 has provided recently MEE and till then was discharging its effluent into nearby areas causing ground water pollution as well as land pollution. The Plasma Technology could not utilise 100% effluent generated from the R.No.1 facility and therefore ZLD condition was imposed, for which EDC will have to be imposed on the basis of total in depth survey and sampling by expert agency independent of MPCB to calculate damage cause to the environment and EDC as well as measures to be taken for remediation and restoration.

1.8) R.No.2 in its Affidavit stated that after issuance of earlier directions, personal hearing was given to R.No.1 on 24.09.2024 and interim directions were issued to stop seepages/percolations from the facility area by providing retaining wall, to lift entire contaminated water accumulated in Katcha Pond and to treat it in ETP followed by MEE within period of 2 months and to make it impervious. The R.No.1 taken some corrective measures and was granted certain time to comply with interim directions but not completed the same within stipulated period.

Therefore, the Affidavit of MPCB is silent about the actions taken for the pollution already caused during last 5 years and therefore a detailed affidavit is necessary from the MPCB, giving the details of damage caused to the environment, further stringent actions taken by it including restoration and remediation measures to be taken by the MEPL and assessment of EDC etc.

1.9) Recently, the Legislative Assembly Question No. 1830 was raised by Letter dated 07.03.2025 about serious air, water and soil pollution caused by the R.No.1.

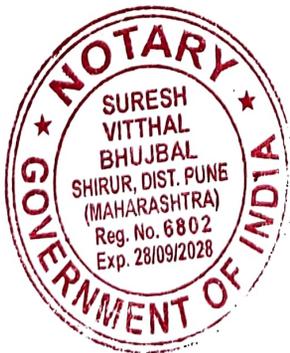
Though in view of non-compliance brought on the floor of the State-Assembly, a number of actions are taken, the MPCB neither

placed it on the website/industry-portal nor made it available to the applicant. Therefore, the R.No.2 may kindly be directed to place on record the actions initiated after LAQ at Maharashtra Assembly.

2) In view of the above, it is necessary that an Independent impartial Third Expert Agency shall be appointed to cause an extensive survey and sampling to assess damage caused not only in the Ranjangaon area of operation of R.No.1 but also in the various Gram-Panchayats which have not only filed the complaints but also undertaken agitation and other remedies. The investigation of complaints by the MPCB show the serious non-compliances duly supported by visit and inspection report but not supported by substantive actions to stop pollution. Nearby underground resources are already polluted including wells and borewells, but neither the R.No.1 monitored it as per operating requirements nor other respondents including MPCB bothered to monitor it in view of serious complaints as per Schedule "A" operating requirements for the CHWTSDF.

Dated This 21st April 2025 at


Affiant



BEFORE ME

SURESH VITTHAL RAO BHUJBAL
ADVOCATE & NOTARY
GOVT OF INDIA
At. Post-Talegaon Dhamdhere
Tal. Shirur, Dist. Pune-412208
Mob.: 9822615361

Noted & Registered
at Serial Number 484/2025

14 MAY 2025



IN THE COURT OF SMT. T. M. AHMED CHIEF
JUDICIAL MAGISTRATE PUNE

Case No.: **R.C.C. / 404179 / 2015** CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1

Todays Date	Roznama	Next/Disposal Date
17-04-2025	Resumed today PO is on half day leave Complainant and Follow Up Officer Absent Accused and their advocate absent Case Adjourn for: Awaiting Summons	 07-05-2025


CJM





R.C.C. 4179/2015

खटला न्यायालयापुढे कार्यवाहीसाठी आल्याचा दिनांक	प्रदर्श्याचा क्रमांक	खटला क्र. MPCB V/S Mahindra Enviro	खटला नुद्दाल तारखेपर्यंत तहकूब आला
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Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015

Todays Date	Roznama	Next/Disposal Date
05-12-2023	Resumed today. Complainant absent APP Present Case Adjourn for: Awaiting Summons	09-04-2024

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015

Todays Date	Roznama	Next/Disposal Date
10-04-2024	Resumed today. P.O.is on Inspection duty. Complainant and Advocate absent Case Adjourn for: Awaiting Summons	13-06-2024

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
Advocate /

Todays Date	Roznama	Next/Disposal Date
13-06-2024	Resumed today. Complainant absent and Advocate for MPCB absent Summons report not received Case Adjourn for: Awaiting Summons	21-08-2024

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Todays Date	Roznama	Next/Disposal Date
09-01-2025	Resumed today PO is on leave APP absent Accused and their advocate absent Case Adjourn for: Awaiting Summons	17-04-2025

RCC No 4179/15

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

23

Todays Date	Roznama	Next/Disposal
10-10-2022	Resumed today. Complainant absent, Follow up present Case Adjourn for: Awaiting Summons	09-01-2023

Judge etc 1

APP Advocate /

Todays Date	Roznama	Next/Disposal Date
09-01-2023	Called on today Compl. is absent. Follow up is absent. APP is present Adj. for R/o. sum. Case Adjourn for: Awaiting Summons	16-03-2023

Judge

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Todays Date	Roznama	Next/Disposal Date
16-03-2023	Resumed today. Court is on leave. Complainant absent, APP present Case Adjourn for: Awaiting Summons	28-06-2023

JC Judge

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Todays Date	Roznama	Next/Disposal Date
28-06-2023	Resumed today Complainant absent, APP present. Case Adjourn for: Awaiting Summons	08-09-2023

Judge

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Todays Date	Roznama	Next/Disposal Date
08-09-2023	Resumed today. Complainant absent, Adv. absent. Case Adjourn for: Awaiting Summons	05-12-2023

Judge



Adv. Tade

खटला न्यायालया- पुढे कार्यवाहीसाठी आहवानी दिनांक	प्रदर्श्याचा क्रमांक	खटला क्रमांक R C C 4179/15	खटला पुढील नारखेपर्यंत तहकूब
		M. P. C. B. / Mahindra Enviro.	(29)

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Today's Date	Roznama	Next/Disposal Date
25-05-2022	Called on today Compl. is absent Adj. for R/o. sum. Case Adjourn for: Awaiting Summons	05-07-2022

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Today's Date	Roznama	Next/Disposal Date
05-07-2022	Called on today Complainant present. Advocate Present Exh. 13 Appln by complainant for reissue summons to accused-allowed Case Adjourn for: Awaiting Summons	20-08-2022

५.८.२०२२ - दि. १३ रोजी समस्त काढलेले रोजी/दिनांक यांचे कार्यवाही

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

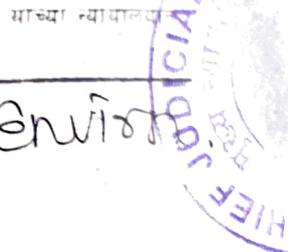
Today's Date	Roznama	Next/Disposal Date
20-08-2022	Called on today Complainant absent. Adv. present Exh.14 - Pursis by complainant-seen Exh.15 V.P. of Adv. M.S.Tadey on behalf of complainant- filed Case Adjourn for: Awaiting Summons	10-10-2022

ये.का.मु.--- १,००,०००---२-१६-पीए३*---(जे) १६९
 शा. नि. ग. वि., क्र. ३३९४/८ दि. ३०-३-८०;
 अमि. री. ग. को. (अ.सा.) मुवट्टे यांचे प. क्र. एकम/१८०३/६९९
 दि. २०-८-६९ अन्वये सुधारित]

R.C.C. 4179/15

Cr. P. C. 66
 फौ. अ. म. ३३३

श्री. न्याय दंडाधिकारी, प्रथम वर्ग
 दिवाणी न्यायाधीश व न्याय दंडाधिकारी, प्रथम वर्ग
 विशेष न्याय दंडाधिकारी, प्रथम वर्ग.



M.P.C.B. Maharashtra Enviro Power Ltd etc

खटला न्यायालया-
 पुढे कार्यवाहीसाठी
 आल्याचा
 दिनांक

प्रदर्याचा
 क्रमांक

विरुद्ध
 नाव वय
 व्यवसाय
 निवासस्थान
 हा/ही पासून { जामिनावर
 कोठडीत आहे/आहेत.
 पोलीस रिमांडमध्ये
 १. फिर्यादीचे वकील श्री.
 २. आरोपीचे वकील श्री.
 ३. कायद्याच्या पुढील कलमाखाली किंवा कलमाखाली आरोपीची न्याय-
 चाकशी चालू आहे.
 ४. न्यायालयापुढे आलेल्या मुद्देमाल्याचा तपशील (पुष्कळ वस्तू असल्यास
 त्याची यादी जोडावी व यथे "सूची प्रत्यक्ष प्रमाणे" असे लिहावे.)

खटला पुढील तारखेपर्यंत
 तहकूब झाला.

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
 Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
 APP Advocate /

Today's Date	Roznama	Next/Disposal Date
17-02-2022	Called on today Compl. is absent Adj. for R/o.sum. Case Adjourn for: Awaiting Summons	30-03-2022

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
 Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
 APP Advocate /

Today's Date	Roznama	Next/Disposal Date
30-03-2022	Called on today Compl. is absent Adj. for R/o. sum. Case Adjourn for: Awaiting Summons	25-05-2022

RCC 4179/15

M.P.C.B / Maharashtra Enviro :

07/21 called on today
Compl. absent

(30)

Ady for R/o. sum.

gm
02/09/21

02/09/21 called on today
Compl. absent

Ady for R/o. sum.

gm
13/10/21

13/10/21 called on today
Compl. absent

Ady for R/o. sum.

gm
02/12/21

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Todays Date	Roznama	Next/Disposal Date
02-12-2021	Called on today Compl. is absent Acadj. for R/o.sum. Case Adjourn for: Awaiting Summons	03-01-2022 Judge

Case No.: R.C.C. / 404179 / 2015 CNR Number: MHPU040286502015
Maharashtra Pollution Control Board Vs Maharashtra Enviro Power Ltd etc 1
APP Advocate /

Todays Date	Roznama	Next/Disposal Date
03-01-2022	Called on today Compl. is absent Adj. for R/o. sum. Case Adjourn for: Awaiting Summons	17-02-2022 Judge

RCC 4179/15

MPCB/Maharashtra Enviro

34

29

04/12/20 Called on today
Due to Covid-19,
Lock Down Declared.
Hence matter is adjd. To

CSM 13/01/21

~~Called on today
Due to Covid-19,
Lock Down Declared.
Hence matter is adjd. To~~

13/01/21 Called on today CSM
Compl. is absent
Ady for R/o. Sam.

CSM
03/03/21



(41) RCC 4179/15 (3)

MPCB / ~~MPEB~~ Maharashtra Enviro

05/11/19 called on today
compt. is absent
Aely for

R/o. sum.

(34) ~~(37)~~

05/11/19



04/07/19 called on today
compt. is present
12 Appln. on behalf of compt.
Re-issue sum to aely by K
R PAD — Jrd.

Aely for sum with
05/08/19

Issuesum. to aely 182.
5-7-19

05/08/19 called on today
Adu. for compt. is present
Aely for R/o sum

05/16/19

16/09/19 called on today
compt. is present
P.O. - released for interview
Aely for R/o. sum

09/11/19

09/11/19 called on today
compt. is present
Aely for R/o. sum.

05/11/19

क्र. सं. मु. १,००,०००/६-१६/पीए ३*--(जे) १७०
 क्र. म. वि., क्र. ३३९४/४, दि. ३०-७-४०;
 शा. प., वि. व न्या. वि. क्र. एमडीएफ/१९६७/४४१७-जे,
 दि. २८-८-६९ अन्वये सुधारित.]

41.79/15
 RCC
 रोजनामा

क्र. नं. सं. ६६ अ म. (आंतर)
 Cr. P. C. 66 A m. (Inner)

खटला न्यायालयापुढे कार्यवाहीसाठी आल्याचा दिनांक	प्रदर्याचा क्रमांक	MPC Bx Maharashtra Environ खटला क्र. ३०	खटला पुढील तारखेपर्यंत तहकूब झाला
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24/10/18
 Called on today
 Compl. present
 Application filed for Issue
 Summons for accused as
 Adm for P. Sum

30/11
 Issue summons
 ✓

24/12/18

24/12/18
 Called on today
 complainant present
 Ady for P.O. Sum

Ste CM 21/01/19

21/01/19
 Called on today
 Compl. present
 Ady for P.O. Sum

CM 01/03/19

01/03/19
 Called on today
 Compl. is absent
 Ady for P.O. Sum

CM, 16/03/19

16/03/19
 called on today
 compl. is present
 Ady for P.O. Sum.

CM 26/04/19

26/04/19
 Called on today
 compl. is present
 P.O. on inspection July

Ste CM

RCC 4179/15

M.P.C.B / Maharashtra Environment

(2)

04/04/18 called on today
complainant absent

Adv for steps on Ho sur

7
c/m
08/02/18

08/02/18

Called on today
Adv present for complt
Accused absent

9 Appearance Pursu to let for Compl't of 1st ct
10 Application filed for issuance
Summ to accused • serv

Adv for 2nd Sum

29/3

Issued Sum

9
Comp

20/04/18

20/04/18

Called on today
Complt Adv present
for Compl't

Adv for 2nd Sum

9
Comp

27/06/18

27/06/18

Called on today
Complt present
Report of Sum - is a warning
p.o on inspection duty

Adv for 2nd Sum

10/09/18

10/09/18

Called on today etc com
Adv. for compl. present
p.o. on 1/2 leave

Adv for Ho sur

7
c/m
24/10/18

4/7

RCC 4179/15
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29.3.17

MPCB / Maharashtra Env.

called on today
complainant absent
Acqu. absent

Adey for R/o summons

W.M.,
7/6/17

07/06/17

called on today
complainant present
Issued summons to Accused

Adey for R/o summons

7/4/17

called on today
Complainant absent
Acqu. present

8 Appln. on behalf of complainant

Reissue summons against
accused - granted & given
by hand as prayed.

summons issued
Adey for R/o sum

W.M.,

W.M. 4/7/17

4/7/17

called on today
Complainant present

Ac. Adey for R/o summons

W.M. 26/7

26/7/17

called on today
Complainant present

Adey for R/o summons

W.M. 7/9/17

7/9/17

called on today
Complainant present

Adey for R/o sum

10/10/17

10/11 Report of Summons

W.M.

एकमात्र नकार

22/11/17 10/10/17



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE.

STC No./R.C.C.No. 4175/2015

MPCB v Maharashtra Enviro Pwara H

In the Court of C.J.M. Before Shri.

- 2/11/15 → 1. Application filled by Food Inspector/Drug Inspector ^{S.S. Dake, MPCB, R.O Officers.}
- Shri./Smt. S-S. Dake, MPCB, Officers.
- 2. V.P. in the Name of Shri. P.L. Pawar
- 3. List of document.

Adj. For Argument Exh. 1

5-12-15

5-12-15

C.J.M.

Called on today
Complainant absent
adv present

- 4- Apoin- filed by adv. for permission for filed documents (attached)
- 5- List of documents

09/12/15

Adj for Issue process order.

9-12-15

Called on today
Complainant
Issue process/adj. order passed below
Expt -

Adj for sum

11/12/15 S. Sum passed regarding sum per

13/01/16

13/01/16

Called on today
Compl absent
process absent

09/03/16

Called on today
Both parties present
P.O. on hand
Adj for sum

09/03/16

16/05/16



खरी नक्कल
18/11/16
सहायक अधिकारी
मुख्य न्यायदंडाधिकारी न्यायालय,
पुणे
12 APR 2025