

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

**ORIGINAL APPLICATION NO. 21/2025 (WZ)**

**Madhukar Vishnu Gaikwad & ..... Applicants  
Ors**

**VERSUS**

**Ministry of Environment, ..... Respondents  
Forest and Climate Change &  
Ors.**

**REJOINDER TO THE AFFIDAVIT OF  
RESPONDENT NO. 7 DATED 10/06/2025  
AND THE REPLY AFFIDAVIT BY R-5 & 6  
DATED 11/06/2025 BY APPLICANT  
MADHUKAR VISHNU GAIKWAD**

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Date : 05/07/2025

Place : **Pune**

Filed by :



A-202 Chandravijay, Phule Road, Opp. Bansuri Hotel,  
Mulund East, Mumbai - 400081, Maharashtra, India.  
7400116222 mahabal60@gmail.com

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

**CONTACT DETAILS**

**.... Applicant**

- 1 Madhukar Vishnu Gaikwad**
- 2 Shivaji Shamrao Gaikwad**
- 3 Shahaji Vitthal Kanase**
- 4 Prakash Ramchandra Nikam**

**VERSUS**

**.... Respondents**

- 1 Ministry of Environment, Forest and Climate Change**
- 2 Central Pollution Control Board**
- 3 State Level Environment Impact Assessment Authority (SEIAA)**
- 4 Environment Department, State of Maharashtra (Government of Maharashtra)**
- 5 Maharashtra Pollution Control Board**
- 6 Maharashtra Pollution Control Board**
- 7. M/s. Shivneri Sugar Limited**

**\*\*\***

## ABBREVIATIONS

Short form	Full Form
AiR	Affidavit in reply
BOD	Biochemical Oxygen Demand
C2E	Consent to Establish
C2O	Consent to Operate
CEMS	Continuous Emissions Monitoring System
CMD	Cubic meter per day
CMS	Continuous Monitoring System
COD	Chemical Oxygen Demand
CPCB	Central Pollution Control Board
CTE	Consent to Establish
CTO	Consent to Operate
EC	Environmental Clearance Letter
EIA	Environmental Impact Assessment
ETP	Effluent Treatment Plant
IEM	Industrial Entrepreneurs Memorandum
MoEF&CC	Ministry of Environment, Forest and Climate Change
MPCB	Maharashtra Pollution Control Board
MW	Mega Watt
NGT	National Green Tribunal
NOC	No Objection Certificate
OA	Original Application
OCEMS	Online Continuous Emissions Monitoring System
Pg No.	Page Number
TDC	Metric Tonnes Crushed per day
TDS	Total Dissolved Solids
ZLD	Zero Liquid Discharge

**MOST RESPECTFULLY  
SUBMITTED**

**1.** I, Madhukar Vishnu Gaikwad, Applicant in this Original Applicant no. 21/2025, filing this rejoinder against the Affidavit in reply filed by the Respondent No. 7 (Shivnery Sugar Ltd) dated 10/06/2025 and the Reply Affidavit filed by the Respondents No. 5 and 6 (MPCB) dated 11/06/2025.

**2.** Applicant has already submitted the grievances and the allegation against the Respondent Industry along with the Original Application.

**3.** Applicant has addressed all the points replied by the Respondents through the filed submission one by one as follows;

**POINT-WISE REPLY TO THE AFFIDAVIT IN REPLY FILED BY RESPONDENT NO. 7 DATED 10/06/2025:**

<p><b>1.</b></p>	<p><b>DENIAL OF BLATANT VIOLATIONS Pg No. 581: Para 1, Pg No.582: Para 5</b></p> <p>Respondent No. 7 denies blatant violations and claims that allegations of misleading and fake information for obtaining permissions (EC and Consents) are unwarranted and without documentary evidence.</p>
<p><b>Reply</b></p>	<p>This is vehemently denied. The Applicants' Original Application explicitly states that the Respondent Industry has received permissions based on "fake and misleading information" (OA Memo, Page 14, Para 6). Specific instances of such alleged misleading information are</p>

	<p>detailed throughout the Applicants' submission. For example, the submission of a "totally false and fake NOC dated 30/08/2017 from Jaipur Grampanchayat" is clearly stated (OA Memo, Page 19, Para 19). The Respondent's blanket denial without addressing these specific allegations is insufficient.</p>
2.	<p><b>CONSENT TO ESTABLISH &amp; ENVIRONMENT CLEARANCE</b>  <b>Pg No. 581: Para 4a, Pg 582: Para 4d</b></p> <p>Respondent No. 7 claims to have obtained Consent to Establish (CTE) on 17/12/2019, for 4200 TCD (Metric Tonnes Crushed per Day) with 8 MW Co-generation. They also state that Environment Clearance (EC) was obtained on 19/04/2023, after which modification and expansion started</p>
<b>Reply</b>	<p>While the dates of CTE and EC are acknowledged (OA Memo Page 13, Para 5), the Applicants reiterate that these permissions were obtained under questionable circumstances. The OA Page 15, Para 9 highlights that "<b><i>no prior survey or study was conducted by the Respondent industry or asked by MoEF&amp;CC or MPCB regarding the existing pollution level,</i></b>" despite the previous industrial setup. This raises serious doubts about the basis of the granted EC. Furthermore, the Respondent's assertion that "<b><i>no Environment Clearance was required at that time</i></b>" for the initial Consent to Establish is noted, but the subsequent</p>

	issues with the EC process remain.
<b>3.</b>	<p><b>PUBLIC HEARING &amp; SUPPRESSION OF FACTS</b>  <b>Pg No. 583: Para 8 &amp; Para 10,</b>  <b>Pg No. 584: 12</b></p> <p>Respondent No. 7 denies that a prior study was conducted and asserts that an EIA study was done by an MoEFCC Approved Accredited Consultant, followed by a Public Hearing where all nearby public participated. They deny malafide intention in conducting the second Public Hearing on 03/05/2019, and state that the issue of IEM expiry was a decision of the public hearing committee.</p>
<b>Reply</b>	<p>The Respondent's claims regarding the public hearing are misleading. The Applicants clearly stated that the "<b>Respondent industry carried out two public hearings, 03/05/2019 respectively</b>" (OA Memo Page 15, Para 11). The Applicants contend that the first public hearing was met with genuine questions that were not properly answered, leading to a "second public hearing with malafide intention and allowed only those participants which were in favour of the industry." (OA Memo Page 15-16, Para 11). Crucially, the Applicants highlighted that the "issue of the expiry IEM at the time of the first public hearing, which was considered by the committee" was subsequently "suppressed" by the industry (OA Memo Page 16, Para 12). The Respondent's claim that IEM had "nothing to do with the</p>

	grant of EC" contradicts the significance given to it in the first public hearing.
<b>4.</b>	<p><b>NON-COMPLIANCE WITH EC AND CONSENT CONDITIONS &amp; MPCB INACTION</b></p> <p><b>Pg No. 584 – 585: Para 14,15, 16, and 18</b></p> <p>Respondent No. 7 denies not following EC and Consent conditions, stating that Consent to Operate (CTO) was granted after compliance. They assert that 6 monthly progress reports are submitted to MoEF&amp;CC. They acknowledge proposed directions from MPCB Pune dated 03/04/2025, their reply on 04/04/2025, and interim directions from MPCB dated 06/05/2025, with forfeiture of Bank Guarantee. They deny that the First Seasonal Manufacturing started within a few days of CTO, citing CTO on 19/12/2023</p>
<b>Reply</b>	<p>The Respondent's denial of non-compliance is directly contradicted by the evidence provided in the Original Application and the Respondent's own admissions.</p> <p>The Applicants explicitly state that the "<b>Respondent industry has not followed the conditions of the EC and C2E but still, they have received the 'Consent to Operate' from the MPCB without any examination and verification of previously issued consent conditions</b>" (OA Memo Page 17, Para 14).</p> <p>The fact that MPCB issued "<b>proposed</b></p>

**directions from the Regional Officer, MPCB Pune dated 03/04/2025"** and subsequently **"issued interim directions dated 06/05/2025 and forfeited Bank Guarantee for Rs. 25 Lacs"** (AiR dt. 10/06/2025 Page 585, Para 16) is a clear indication of prima facie non-compliance, despite the Respondent's claims of general compliance.

Regarding the start of the crushing season, the Applicants' submission (OA Memo Page 17, Para 16) clearly states that **"After receipt of the 'Consent to Operate' Respondent industry started its first seasonal manufacturing but only within a few days, villagers are facing the problem of water pollution and Air pollution."** This aligns with the newspaper reports in Annexure E, dated 16/01/2024, which describe villagers' complaints just weeks after the CTO date of 19/12/2023. This rapid onset of pollution challenges the Respondent's claim of full compliance before operation.

**5. ZERO LIQUID DISCHARGE (ZLD) & EFFLUENT DISCHARGE**  
**Pg No. 585: Para 19a, Pg No. 590: Table Sr. No. 6**

Respondent No. 7 claims to have provided **"full-fledged ZLD arrangements"** and denies allegations about not achieving ZLD. They state that 450 CMD effluent is used for irrigation on land, and 104 CMD is recycled. They further assert that "Industry does not discharge any water to

	natural drain" and that farmers have given a letter confirming no discharge
<b>Reply</b>	<p><b>This is a main point of contention.</b> The Applicants' Original Application explicitly states, "<b>Not achieving ZLD anytime during its entire period of operation</b>" (OM Memo Page 18, Para 17a). This is supported by the newspaper items and the multiple complaints made by the villagers to the MPCB. The third-party monitoring report dated 27/01/2024 (OA Memo Page 68, Annexure D), also clarified that the exceedance of the effluent parameters (BOD 124 mg/l, COD 442 mg/l, Suspended Solids 143 mg/l, Chloride 847 mg/l, TDS 2430 mg/l) as per the MPCB Consent Limits (OA Memo Page 26, Para 44). The Respondent's claim of "<b>no discharge to natural drain</b>" is directly contradicted by various news articles in Annexure E, dated 16/01/2024, 17/01/2025, and 31/12/2024, all detailing contaminated water discharge and its impact on wells and fields. This outside discharge of effluent is also admitted by the MPCB through its affidavit dated 11/06/2025. The letter from farmers cited by the Respondent (AiR dt. 10/06/2025 Page 665, Annexure J, dated 04/02/2025) is an isolated document, and its authenticity and context in light of widespread public complaints must be scrutinised. Also same letter itself stated that there was a leakage and presence flow of wastewater in the adjoining nala.</p>

6.	<p><b>ONLINE CONTINUOUS MONITORING SYSTEM (OCEMS)</b>  <b>Pg No. 586: Para 19b,</b>  <b>Pg No. 643: Annexure D</b></p> <p>Respondent No. 7 states that OCEMS is "<b>well connected to the MPCB and CPCB-Servers</b>" and that earlier non-enclosed reports were "due to certain technical problems in the MPCB server, which were brought to their notice by email dated 13/02/2025" They also provide OCEMS reports for January 2025</p>
<b>Reply</b>	<p>While the Respondent provides OCEMS January 2025 reports only for ETP. The Applicant in his OA (OA Memo Page 25, Para 41) clearly alleges that, "<b>Industry has not connected online CMS data as per CPCB guidelines to CPCB and MPCB Servers before starting crushing activity.</b>" The email from Respondent No. 7 dated 13/02/2025, is the internal communication with the vendor and the industry which acknowledging "<b>no proper operation of the system and wrong / fixed values generated at portal</b>" (AiR Page 649, Annexure E). Also industry has submitted only ETP information, but has not even attended the stack emission status. This directly supports the Applicant's claim of faulty or non-functional online monitoring for an extended period, making the data unreliable and raising questions about continuous compliance. The Respondent's explanation of "<b>technical problems</b>" confirms issues with data transmission.</p>

7.	<p><b>WATER USE &amp; RAINWATER HARVESTING</b>  <b>Pg No. 589 -590: Table Sr. No. 4 &amp; 5</b></p> <p>Respondent No. 7 states that they have not provided any borewell and are not using any underground water, and have a rainwater storage tank of 2.5 Cr/L, which is recycled and reused.</p>
Reply	<p>The Applicant's OA Memo Page 22, Para 28 explicitly states, "<b>Respondent industry has not provided a rainwater storage pond of 60 days capacity.</b>" This directly contradicts the Respondent's claim of having such a system in place and utilising it fully. Furthermore, the concern about "<b>groundwater percolation</b>" and "<b>surface runoff flows outside industry premises</b>" during the rainy season (OA Memo Page 22, Para 28) remains unaddressed by the Respondent's general statements.</p>
8.	<p><b>MONITORING REPORTS &amp; GROUNDWATER QUALITY</b>  <b>Pg No. 586: Para 19f, 19h,</b>  <b>Pg No.: 591-592, Table Sr. No. 7</b></p> <p>Respondent No. 7 states that reports from M/s Sona Analytical and Research Lab, Satara, and M/s Green Envirosafe Laboratory are "<b>not abnormal</b>", and Six Monthly Monitoring Reports are enclosed. They also state that the work of installing piezometers and checking groundwater quality is "<b>under progress</b>" since EC was granted on 19/04/2023</p>

<b>Reply</b>	<p>The Applicant has provided a third-party monitoring report (OA Memo Page 68, Annexure D), dated 27/01/2024 and multiple newspaper articles, showing contaminated water "<b>overflowed outside the industry</b>" with parameters exceeding prescribed limits of the MPCB. This directly contradicts the Respondent's assertion that their monitoring reports are "<b>not abnormal.</b>" While the Respondent provides monitoring reports for ETP outlet, ambient air, and soil for various dates in November 2024, December 2024, and January-February 2025 (AiR Annexures F, G, H), the Applicant's concerns relate to the discharge of untreated effluent and its impact, which is confirmed by the 27/01/2024 report, Villagers complaints and Newspaper articles. The Respondent's admission that piezometer installation and groundwater monitoring are still "<b>under progress</b>" (despite the EC being granted on 19/04/2023) indicates a significant delay in complying with a crucial EC condition (OA Memo Page 23, Para 30), undermining their claims of environmental management.</p>
9.	<p><b>START OF CRUSHING SEASON WITHOUT VALID CONSENT</b>  <b>Pg. NO. 587: Para 25;</b>  <b>Pg. No. 599: Table Sr. No. 33</b></p> <p>Respondent No. 7 denies that the 2024-2025 crushing season started without a valid Consent to Operate. They argue that their application for renewal was pending</p>

	for over 4 months, thus "deemed to be granted unconditionally as per Section 25 (7) of the Water Act, 1974". They also state that consent was granted on 02/03/2025.
<b>Reply</b>	Through this reply Respondent industry accepted the contention of the Applicant that the present crushing season of 2024-2025 was started without the valid consent to operate from MPCB. The newspaper report (OA Memo Page 69-72, Annexure E) dated 16/01/2024, explicitly mentions the factory starting its "first crushing season" and the resultant pollution within eight days. This date (January 2024) is before the Respondent's claimed consent renewal date of 02/03/2025. Therefore, regardless of the " <b>deemed granted</b> " argument, the Respondent industry needs to admit the fact that the factory was operating without a valid and explicitly renewed consent during a significant period of its crushing season, as evidenced by the media reports. This constitutes a clear violation of environmental laws.
10.	<p><b>MOLASSES STORAGE</b>  <b>Pg. No. 597: Table Sr. No. 26</b></p> <p>Respondent No. 7 states that they have provided a MS Molasses Tank of adequate capacity and do not store molasses other than in this tank</p>
<b>Reply</b>	The Applicant's OA Memo Page 28, Para 50 specifically alleges that " <b>Some part of</b>

	<p><b><i>the molasses is stored on the land without any leakproof treatment to avoid percolation and groundwater contamination.</i></b>" This direct finding is not sufficiently addressed by merely stating that tanks are provided. The respondent has not provided the evidence to support his submission. These being factual findings of the Committee, it can't be denied.</p>
<p>11.</p>	<p><b>GENERAL DENIALS VS. SPECIFIC ALLEGATIONS</b>  <b>Pg No. 581: Para 1, 4, and 5;</b>  <b>Pg. No. 585-587: Para 17 and 20</b></p> <p>Throughout their affidavit, Respondent No. 7 frequently uses phrases like "It is denied," "totally denied," "baseless," and "without any basis thereof"</p>
<p><b>Reply</b></p>	<p>These broad denials are insufficient in the face of the Applicant's detailed and specific allegations supported by dates, events, and annexed documentary evidence (e.g., monitoring reports, newspaper articles, NOC issues). The Applicant's OA Memo Page 9-10, Para 5 A-N lists numerous specific violations of EC and Consent conditions, which the Respondent largely fails to address individually with concrete counter-evidence. For example, the Respondent does not provide clear evidence of having developed the 30m thick greenbelt along the drain and canal as stipulated by the EC (OA Memo Page 22, Para 26). Based on the Applicant's allegation, MPCB</p>

visited the industry and admitted that there were violations observed, and a proposed direction was issued to the Respondent industry.

- 1. The untreated/ partial treated effluent is found stored within factory premises and discharged along with condensate water outside the premises.*
- 2. The units of the Effluent Treatment Plant are not operating properly.*
- 3. The effluent is found discharged illegally outside the factory premises by various ways, causing blackish colour to the well water.*

**REPLY TO THE AFFIDAVIT IN REPLY FILED BY RESPONDENTS NOS. 5 AND 6 DATED 11/06/2025:**

**4.** The MPCB acknowledges receipt of the complaint dated 23/12/2024, regarding air, water, and noise pollution caused by Respondent No. 7. This supports the Applicants' contention that issues of pollution were indeed brought to the attention of the MPCB.

**5.** The MPCB states that its officials visited the site on 27/12/2024, and observed various non-compliances, leading to proposed directions dated 03/04/2025. This confirms the initial findings of pollution and non-compliance by the industry.

**6.** The MPCB observed that untreated effluent stored in "kaccha pits" was lifted and taken into the aeration tank of the ETP, and one kaccha pit was discarded while another was found filled with clear canal water. This implicitly confirms the existence of kaccha pits containing untreated

effluent, which is a violation in itself and indicative of improper effluent management as alleged by the Applicant.

**7.** The MPCB noted that the industry stored bagasse and boiler ash in open areas without cover sheds or water sprinkling arrangements, leading to dust emission. This confirms the Applicants' allegation regarding a lack of proper waste management and air pollution control measures.

**8.** The MPCB's current observations of the plant being shut down and efforts to collect stored effluent, while a positive step after the filing of this OA, do not absolve Respondent No. 7 of past violations and the environmental harm already inflicted. The onus is on the MPCB to enforce consistent compliance and ensure remediation, not just during the off-season or after a legal challenge.

**9.** MPCB's reply does speak about why no action was taken earlier despite multiple complaints from farmers regarding pollution issues prior to the filing of this OA, as stated in the Original Application. The delayed action by MPCB raises concerns about its oversight and enforcement mechanisms. Even no scrutiny of the documents has been carried out by the MPCB after the proof submitted by the Applicant through this OA regarding the false and misleading information submitted by the Respondent's industry at the time of Consent.

**10.** The MPCB's reply does not refute the specific violations related to the Zero Liquid Discharge (ZLD) condition. The Applicants provided concrete evidence of effluent discharge and contamination during the operational period through their monitoring report, multiple newspaper articles and Complaints of nearby

farmers. The MPCB's visit reports, conducted in the off-season, cannot retrospectively confirm ZLD compliance during the operational phase.

**11.** The Applicants reiterate that the environmental damage caused by Respondent No. 7 is substantial and ongoing, impacting local water bodies, soil, and public health. The superficial compliance observed by MPCB during the off-season does not address the fundamental breaches of environmental norms and the continued threat posed by the industry's operations.

**12.** The Applicants, therefore, pray that the Hon'ble Tribunal may be pleased to take cognizance of the persistent non-compliances and the failure to maintain environmental standards, which is already admitted by the MPCB through its proposed direction dated 03/04/2025 (Page No. 528).

**COMPLIANCE WITH THE DIRECTION OF THE HON'BLE NGT DATED 18/06/2025:**

**13.** Hon'ble NGT directed the Applicant to provide the details of the period for which he is alleging the past violations committed by Respondent No.7 so that an accurate EDC amount may be directed to be calculated by the MPCB. Accordingly, Applicant verified the period of the violation and came to know that the Respondent industry received its first consent to operate on 19/12/2023. This date can be considered as the first date of the violation. Annexure E (Page No. 69 of the OA Memo) is the supporting document for this consideration. Where the newspaper article clarified that water pollution has been noticed immediately within the next 8 days of the start of the industrial operation, i.e., the first sugar cane crushing season, and after this date,

two crushing seasons have been completed  
Therefore, Applicant urges this Hon'ble Tribunal to  
consider both the crushing seasons of the  
Respondent No. 7 as a period of the violation and  
direct MPCB to calculate the EDC based on the  
number of days required to complete both  
crushing seasons.

M.V. Gaikwad

×

Place: **Pune**  
Date: **05/07/2025**

**APPLICANT**  
**Madhukar Gaikwad**



Solemnly Affirmed before me by  
Shri/Smt./Sou. Madhukar

Vishnu Gaikwad.

At: Vathar kizali, Kozegaon.

who is identified by Shri. ....

Adv. Rajendra Galande

When I Personally Know

**BEFORE ME**

Dout  
05/07/2025

Adv. Ganesh Jagannath Raut  
NOTARY  
GOVERNMENT OF INDIA  
REGD. NO. 16497, SATARA

Noted & Registered  
At. Sr. No. 2559/2025.



# Proof of Service

Raghunath Mahabal &lt;mahabal60@gmail.com&gt;

## OA 21/2025(WZ) Madhukar Vishnu Gaikwad & Ors Vs. MoEFCC & Ors : Next Date: 09/07/2025 : Applicant -Madhukar Vishnu Gaikwad.

1 message

Raghunath Mahabal &lt;mahabal60@gmail.com&gt;

5 July 2025 at 17:10

To: National Green Tribunal Pune <ngt-pune@gov.in>, "secy-moef@nic.in" <secy-moef@nic.in>, mscb.cpcb@nic.in, psec.env@maharashtra.gov.in, "ms@mpcb.gov.in" <ms@mpcb.gov.in>, "ropune@mpcb.gov.in" <ropune@mpcb.gov.in>, "psec.env@maharashtra.gov.in" <psec.env@maharashtra.gov.in>, Aniruddha Kulkarni <aniruddha1488@gmail.com>, Pushkal Mishra <pushkalm6@gmail.com>, Adv Manasi Joshi <adv.manasi.joshi@outlook.com>, pooja natu <poojanatu@yahoo.co.in>

Cc: Raghunath Mahabal <adv.rbmahabal@gmail.com>, Adv Sachin S Gore 7350212877 <ssgore2005@gmail.com>

Bcc: "Dattatarya Devale, Advocate" <dattadevale252@gmail.com>, shivnerisugars.info@gmail.com

Dear Sir

I am pleased to circulate the applicant (Madhukar Vishnu Gaikwad)

Rejoinder in the above matter.

I also upload the document on NGT Portal.

**Regards**-----  
Dhananjay Chavan 7038383654**R. B. Mahabal** रघुनाथ भालचंद्र महाबळ +91-7400116222 mahabal60@gmail.com**Advocate - National Green Tribunal**

BE (Mech.), ME (Industrial Management) VJTI Mumbai, LL.M., FIE, Chartered Engineer, Arbitrator IIE

**CHINCHWAD:** A Building, Flat Nos. 1, 2, 3, 4, Kakade Angan, Tanaji Nagar, Chinchwad gaon, Pune - 411033. <https://maps.app.goo.gl/ePx4MyTW5fm6xrt7A>

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