

Noted & Registered	
At. Serial No.	2174
Date	2 NOV 2020



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 40/2020 (WZ)

BHAIRAVNATH SUGAR WORKS LTD.

... APPELLANT

VS.

CHAIRMAN, CENTRAL POLLUTION  
CONTROL BOARD

... RESPONDENT

**REPLY- AFFIDAVIT BY MAHARASHTRA POLLUTION CONTROL BOARD IN  
COMPLIANCE OF THE ORDER DATED 30/09/2020**

I , Prashant Bhosale, Age - 51 years, Occupation – service, Sub-Regional Officer of Maharashtra Pollution Control Board at Solapur i.e. Respondent No. 2 , having my office address at 4/B, Bali Block, Civil Lines, Opposite Government Milk Scheme, Saat Rasta, **Solapur** – 413003, do hereby state on solemn affirmation as under –

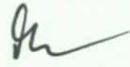
- 1) I say and submit that the Central Pollution Control Board has issued directions of closure to the Appellant Industry vide letter dtd.22/08/2016 due to no connectivity of Online Monitoring System to CPCB as well as MPCB server and directed to deposit Environmental Compensation of Rs.8,70,000/- vide directions dtd.18/12/2019
- 2) I say and submit that in compliance of the Order dated 30/09/2020 passed by Hon'ble NGT, the official of the Board at Solapur has visited to the Appellant Industry M/s Bhairavnath Sugar Works Ltd., A/p – Vihal, Tal. – Karmala, Dist. – Solapur on 27/10/2020 and observed as follows :

*ku*  
Page No. 01 Dt.  
Rajshekhhar B.Kore  
Advocate & Notary  
Regd. No. 15408

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- a. During the visit , the Appellant-industry was not found in operation. Sugar cane crushing season of 2020-2021 has not yet started.
- b. The Appellant Industry has installed Online Digital Monitoring System to the effluent and source emission, which is connected to CPCB and MPCB servers.
- c. The Appellant industry has generated Trade effluent 245 CMD ( Sugar 70 CMD and Co Gen 175 CMD). Industry has provided ETP of 275 CMD capacity comprising of GRIT chamber, Oil and Grease trap, Neutralization tank, Equalization tank, Primary clarifier, Aeration tank, Secondary clarifier and SDB's and Treated effluent disposed own land for irrigation purpose about 25.00 Acres own land/as per the bilateral agreement with farmers for disposal of treated effluent.
- d. Domestic effluent is 15 CMD and sugar unit has provided septic tanks and soak pit at different locations.
- e. The Appellant industry has obtained NOC from Central Ground Water Authority for withdrawal of ground water and also obtained permission from Irrigation Deptt.
- f. Sugar unit has bagasse fired Boiler 70 TPH – 1 no. with stack height of 75 meters for Air Pollution Control. They have provided ESP to arrest fly ash and industry is having 2 nos of D.G. Set of capacity 350 KVA, each with acoustic enclosure and adequate stack height.
- g. The Appellant industry has generated hazardous waste in the Cat. No. 5.1 – Used/Spent oil 2.5 MT/M which is used in own boiler as fuel.
- h. Non-hazardous waste generation is Fly/Boiler Ash – 428.75 MT/M which is sale to brick manufacturer and ETP Sludge 3.50 MT/M which is used as manure.
- i. The Appellant industry has installed CPU.
- j. The Appellant Industry has planted 4200 nos. of trees within premises.



  
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 Rajshekhar B. Kore  
 Advocate & Notary  
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k. The Appellant Industry has submitted Environment Statement and Hazardous waste returns 2019-2020.

A copy of the visit report dated 27/10/2020 alongwith photographs of connectivity of Online Digital Monitoring System to CPCB and MPCB servers is attached and annexed herewith as an Annexure – I collectively.

3) I say and submit that in compliance of the Consent condition , Industry has submitted Bank Guarantee of Rs. 7.50 lakhs which is valid up to 30/11/2020.

Solemnly affirmed on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 at Solapur.

2 NOV 2020

I know the affiant.

FOR AND ON BEHALF OF MAHARASHTRA POLLUTION CONTROL BOARD i.e. RESPONDENT NO.2

ADVOCATE

Explained and Identified by \_\_\_\_\_

PRAKASH B. PISE

Advocate, Solapur



Solemnly affirmed before me by Shri Prashant Mahankar Bhosale

Who is identified by Shri Adv. P. B. Pise

Whom I personally know R/o: Solapur

Date - / / 20

2 NOV 2020

Rajshekhhar B. Kore  
BEFORE ME  
RAJSHEKHAR B.KORE  
NOTARY  
GOVT. OF INDIA  
REG. NO. 15408

Page No. 03 Dt. Rajshekhar B.Kore Advocate & Notary Regd. No. 15408

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**MAHARASHTRA POLLUTION CONTROL BOARD**  
**SUB REGIONAL OFFICE, SOLAPUR**



MPCB/SROSOL/TB-201027-FTS-0179

Dated 27/10/2020.

To,

The Senior Law Officer  
M. P. C. Board,  
Mumbai.

**Subject** – Present status report of M/s. Bhairavnath Sugar Works Ltd. A/p- Vihal, Tal. – Karmala, Dist - Solapur in respect CPCBs directions.

**Ref** - 1) Hon'ble NGT Appeals bearing No. 40/2020 directions/order dated 18.12.2019.

2) CPCB's has issued direction to M/s. M/s. Bhairavnath Sugar Works Ltd. A/p- Vihal, Tal. – Karmala, Dist - Solapur No.B-875(S)/IPC-III/2019- 20/10207, dated 18/12/2019.

3) Your mail received dated 26/10/220.

Respected Madam,

With reference to above subject, the present status report in respect of Hon'ble NGT Appeals bearing No. 40/2020 directions/order of M/s. Bhairavnath Sugar Works Ltd, A/p- Vihal, Tal. – Karmala, Dist – Solapur is as below.

**Present status Report**

- |                                    |   |
|------------------------------------|---|
| 1. Name & Address of the Industry: | M/s Bhairavnath Sugar Works Ltd.<br>A/p- Vihal, Tal. – Karmala,<br>Dist Solapur   |
| 2. Ind. Category                   | : Red/LSI   |
| 3. Date of Visit                   | : 23/10/2020  |
| 4. Industry Representative         | : Shri Sachin Shinde, Env. Officer  |
| 5. Visited by                      | : Shri Prashant Bhosale,<br>I/c. SRO, Solapur   |
| 6. Products                        | : Sugar – 8250 MT/M, Baggase – 22550<br>MT/M, Molasses – 3450 MT/M,<br>Pressmud – 3000 MT/M and Co Gen<br>unit 12 MW ( Sugarcane Crushing |

## 7. Consent Status

Capacity 2500 TCD)  
: Consent No. Format1. CAC/UAN No.  
MPCB Consent 000093840 /CR  
/2009000304, dated 07/09/2020,  
Valid up to 31/07/2021.

**Observations :**

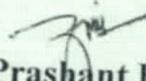
1. During the visit, industry was not operation. Cane crushing season of 2020-21 is not yet started.
2. Earlier, CPCB had issued Closure Directions on 22/08/2016 due to no connectivity of Online Monitoring System to CPCB as well as MPCB server. Further, industry has obtained revocation order on 07/09/2017 by imposing environmental compensation of Rs.14,40,000/-. Then after, industry has filed appeal No.27/2019 to the Hon'ble NGT dtd. 05/02/2019 for relaxation of environmental compensation. In this matter, Hon'ble NGT Court has issued Directions/order dtd.22/05/2019 to the CPCB to consider views of the unit and give opportunity of personal hearing.
3. After personal hearing, CPCB has issued direction No. B-875(S)/IPC-III/2019-20/10207, dated 18/12/2019 for the non-compliance of not connected Online Monitoring System of the period of 29 days during 07/11/2016 to 05/12/2016 and Directed to deposit Environmental Compensation of Rs. 8,70,000/-.
4. Industry had filed an appeal against Hon'ble NGT order / directions dated 18/12/2019. (Appeal Filling No. 2704138/00040/2020, dated 25/01/2020).
5. Industry has installed online digital monitoring system to the effluent and source emission and which is connected to CPCB and MPCB Server (Photographs attached).
6. Industry has generated Trade effluent 245 CMD (Sugar 70 CMD and Co Gen-175 CMD). Industry has provided ETP 275 CMD capacity, Comprising of Grit chamber, Oil and Grease trap, Neutralization tank, Equalization tank, Primary clarifier, Aeration tank, Secondary clarifier and SDB's and Treated effluent disposed own land for irrigation purpose, about 25.00 Acres own land/as per the bilateral agreement with farmers for disposal of treated effluent.
7. Last crushing season was very short (50 days only) due to less sugar cane crops.



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8. Domestic effluent is 15 CMD and sugar unit has provided septic tanks and Soak pit at different location.
  9. The industry has obtained NOC form Central Ground Water Authority for withdrawal of Ground Water. Also Industry has obtained used Sina river water & obtained Irrigation Dept. permission- copy upload.
  10. Sugar unit having bagasse-fired Boiler 70 TPH – 1 nos, with stack height 75 mtrs for APCs they have provided ESP to arrest fly ash and Industry having 2 nos of D. G. Set of capacity 350 KVA, each with acoustic enclosure and adequate stack height.
  11. Industry has generated Hazardous waste in the Cat. No. 5.1 - Used/Spent oil 2.5 MT/M which is used in own boiler as fuel.
  12. Non Hazardous Waste Generation is Fly/Boiler Ash – 428.75 MT/M which is sale to brick Manufacturer and ETP Sludge 3.50 MT/M which is used as manure.
  13. Industry has installed CPU.
  14. Industry has planted 4200 nos. of trees within premises.
  15. Industry has submitted Environment statement and Hazardous waste returns 2019-2020.
  16. As per earlier consent, Industry has submitted BG of Rs. 7.50 lakhs toward Compliance of consent conditions, which is valid up to 30/11/2020. – copy enclosed.

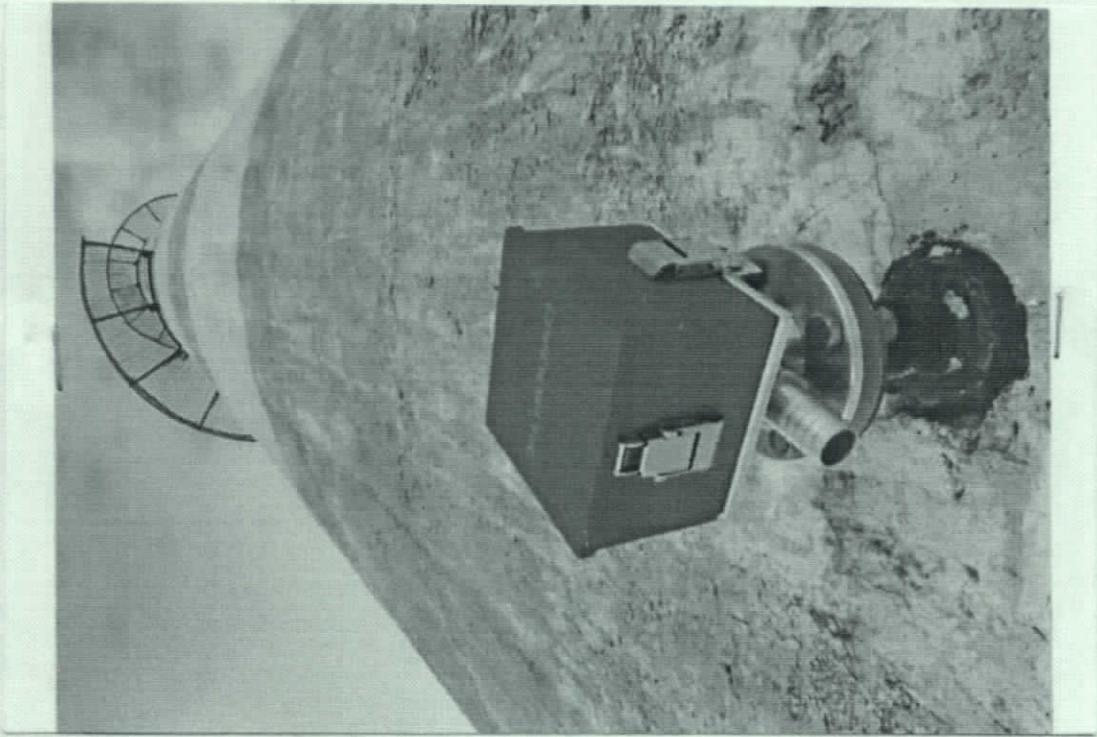
This is for your submitted information and for further needful, please.

D. A. – As above

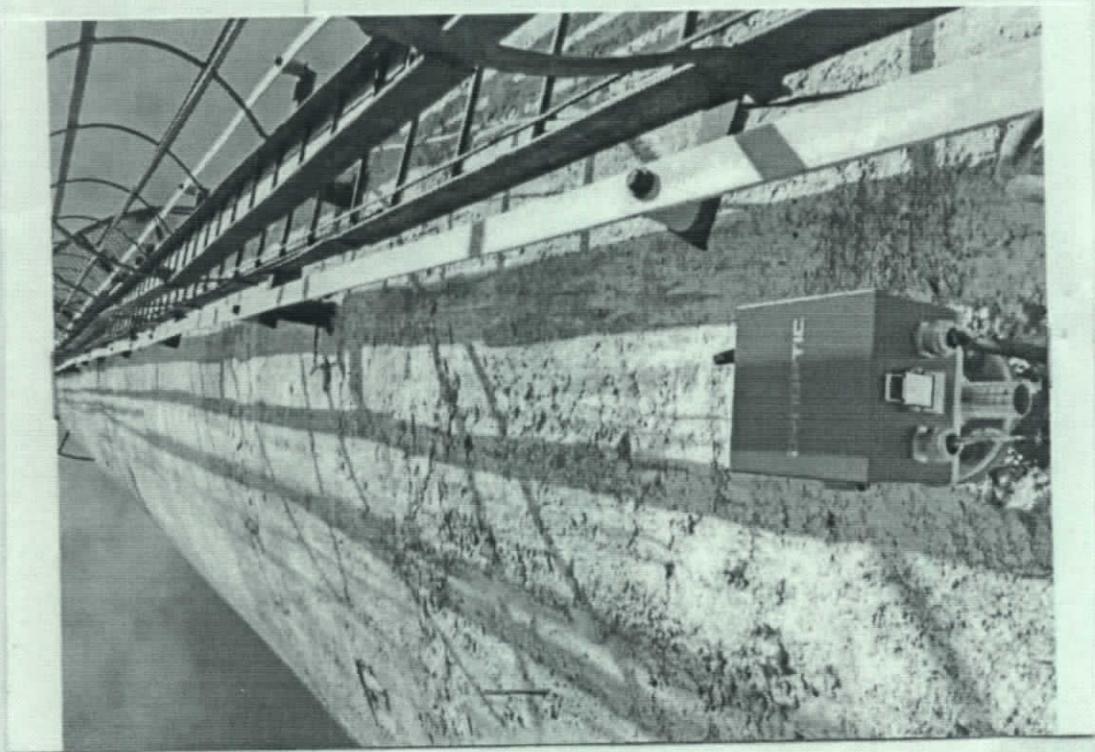
  
( Prashant Bhosale )  
I/c Sub-Regional Officer, Solapur

Copy submitted to favour of information to-  
1) Regional Officer, MPCB, Pune.  
2) Legal Retainer, MPCB, Pune

### 3. Stack Monitoring Analyses.



### 4. Stack Monitoring Analyses.

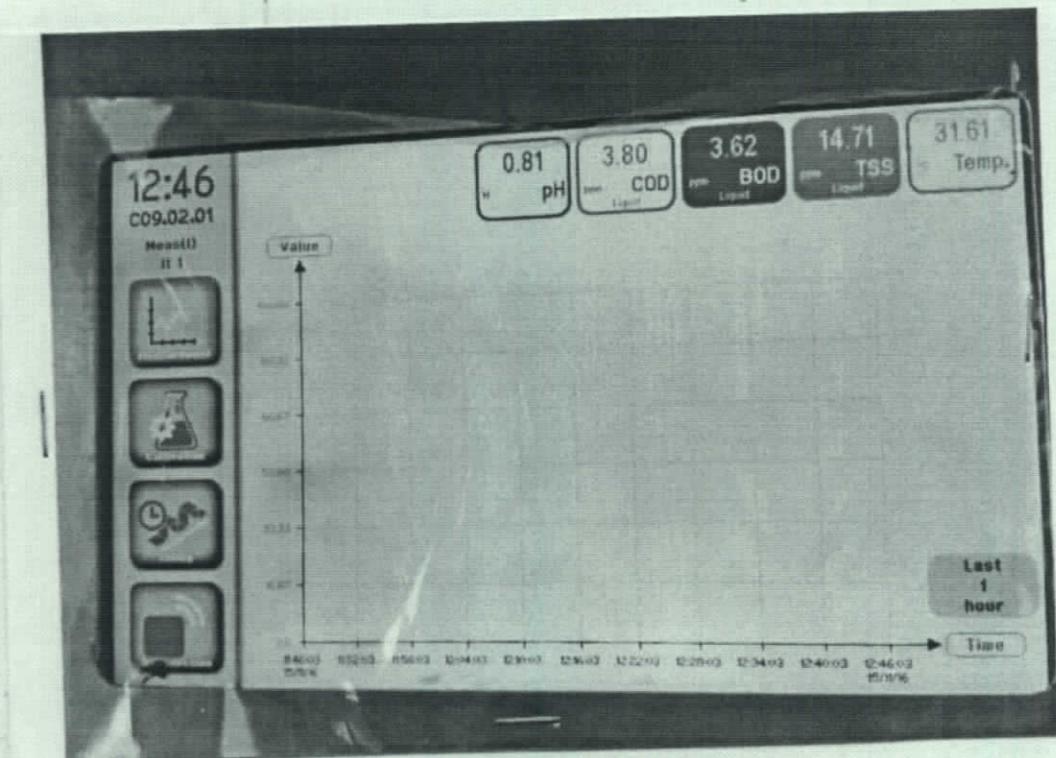


Core  
India  
(South  
State)  
408  
01/12/2024  
OF INDIA

### 1. Double Pass Opacity Monitor for Boiler Chimney.



### 2. E.T.P. = Online Effluent Monitoring System for Transmission data Panel Board .





केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

BY REGISTERED AD

No.B-875(S)/IPC-III/2019-20/10207

December 18, 2019

To

M/s Bhairavnath Sugar Works,  
A/p Vithal, Jaywant Nagra, Tal: Karmala,  
Dist. Solapur,  
Maharashtra-413203

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986

WHEREAS, Sugar industries are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission monitoring system w.r.t. Particulate Matter parameter & online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Flow parameters in 17 categories of industries including Sugar; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, in follow up to the directions issued to the SPCBs/PCCs, CPCB had issued show cause notices under section 5 of the Environment (Protection) Act, 1986 dated 24.07.2015 to 602 Sugar industries, including M/s Bhairavnath Sugar Works, Maharashtra-413203 hereinafter referred to as 'the unit', as to why the Unit should not be closed down if the Unit has not complied fully with the direction issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system in the format given in annexure; and

Dir. u/s 5 of E (P) Act, 1986 to M/s Shri Bhairavnath Sugar Works,  
Maharashtra

WHEREAS, no reply as recorded was filed by the said unit in response of the same; and

WHEREAS, in view of the above and in exercise of the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, the unit vide letter no. B-400(S)/2015-16/551/ dated 22.08.2016 was directed to close down their sugar mill and not to resume their manufacturing operation till installation and commissioning of online 24x7 monitoring system and networking of data with SPCB and CPCB, and to submit compliance to CPCB within 15 days on the receipt of the Closure Direction; and

WHEREAS, the unit has responded to the above said Closure Direction vide its letter dated 09.08.2017 and informed to have stopped all manufacturing operations on 24.12.2016 & complied with the CPCB's directions regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and asked for revocation of closure directions issued under Section 5 of E(P)A, 1986 dated 22.08.2016; and

WHEREAS, it has been observed that the unit has deliberately failed to respond the CPCBs closure directions and resumed operations during crushing season 2016-17 without seeking permission from CPCB which is non-compliance of the closure direction issued by CPCB dated 22-08-2016 under Section 5 of the E(P) Act, 1986; and

WHEREAS, based on the compliance made by the unit (M/s Bhairavnath Sugar Works) and verification by IT Division of CPCB, it was allowed to resume its manufacturing operations vide CPCB revoking directions u/s 5 of E(P)A, 1986 dated 07.09.2017. However, a separate clause was inserted in the revoke direction that action as per law shall be initiated separately.

WHEREAS, it has been noticed that even after CPCB's closure directions the unit has operated for 48 days during crushing season 2016-17 without obtaining revocation orders from CPCB.

*WHEREAS, The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. Directed Central Pollution Control Board (CPCB) that "The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and*

**Dir. u/s 5 of E (P) Act, 1986 to M/s Shri Bhairavnath Sugar Works, Maharashtra**

said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment."

WHEREAS, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB. As per the Committee recommendations one of the cases to be considered for levying penalty is 'not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'

WHEREAS, as per formula derived for Environmental Compensation (EC) by CPCB, the total environmental compensation charges was calculated Rs. 14,40,000/- (Rupees Fourteen Lakhs & Forty Thousand Only) and same shall be deposited by the unit to CPCB immediately for the non-compliance period of 48 days during 07.11.2016 to 24.12.2016.

WHEREAS, a direction under Section 5 of the Environment (Protection) Act, 1986, was issued to the unit vide letter no. B-875(S)/IPC-III/2018-19/16269 dated February 05, 2019 directing it to deposit EC of Rs.14,40,000/- (Rupees Fourteen Lakhs & Forty Thousand Only) to CPCB.

WHEREAS, the unit appealed against the CPCB direction dated February 05, 2019 for submission of EC in Hon'ble NGT vide appeal no. 27/2019. In this matter, Hon'ble NGT vide order dated 22.05.2019 directed CPCB to consider the views of the unit and to give opportunity of personal hearing to the unit.

WHEREAS, as per the directives of Hon'ble NGT vide order dated 22.05.2019 an opportunity of personal hearing was accorded to the unit on September 18, 2019. After considering the viewpoints of the unit representative, it was resolved that EC amount levied may be reviewed considering date of connectivity as verified by IT, and in accordance with the CPCB policy on EC.

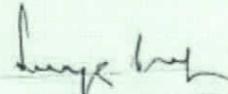
WHEREAS, as per the CPCB policy dated 04.09.2019 for levying EC for industries 'EC for non-compliance to CPCB's closure direction regarding installation & connectivity of OCEMS shall apply till establishment of initial uninterrupted data connectivity for all the specified parameters in all the permitted outlets/stacks, as verified by the IT division.' The IT division verified the date of establishment of initial uninterrupted data connectivity of OCEMS for all the specified parameters as 06.12.2016.

WHEREAS, as per formula derived for environmental compensation by CPCB, the revised EC amount was calculated Rs.08, 70,000 /-(Rupees Eight Lakhs and Seventy thousand only) for the non-compliance period of 29 days during 07.11.2016 to 05.12.2016.

Dir. u/s 5 of E (P) Act, 1986 to M/s Shri Bhairavnath Sugar Works, Maharashtra

NOW THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the unit M/s Bhairavnath Sugar Works, A/p Vithal, Jaywant Nagra, Tal: Karmala, Dist. Solapur, Maharashtra-413203 is directed to deposit Environmental Compensation of Rs. 8,70,000 /- (Rupees Eight Lakhs and Seventy thousand only) immediately in CPCB account No. 532702050000164 (Bank name: Union Bank of India, I.P. Extn Branch, Vikas Marg Extn., Delhi; IFSC UBIN0553271).

In case of failure of the unit to comply with the above directions action as deemed appropriate will be taken with the provisions under Environment (Protection) Act, 1986 without further notice.

  
 (S.P. SINGH PARIHAR)  
 CHAIRMAN

19/11/2014