

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 22 OF 2023 (WZ)**

Mr. Amol Abhimanyu Shinde

.... Applicant

Versus

Maharashtra Pollution Control Board & Ors.Respondents

Reply – Affidavit on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 1



I, Nitin Shinde, Age – 57 years, Occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune - II having my office address at 2nd Floor, Jog Centre, Wakdewadi, Pune – 411003 do hereby state on solemn affirmation as under –

- 1) I have perused the papers and proceedings of the above matter. I am thus conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply on behalf of Respondent No. 1 - Maharashtra Pollution Control Board (MPCB).
- 2) I say and submit that the Applicant has filed this application against Respondent No. 8 – M/s Akash Dairy Farm (Old Vighnhar Dairy) & Respondent No. 9 – Rheansh Foods. Both the industries are situated at Sr. No. 122/2, 123/2A,

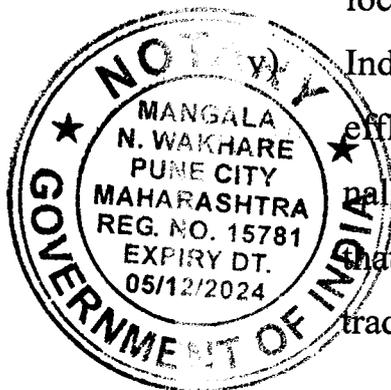


Pimplagaon Road, At Post – Manchar, Taluka – Ambegaon, District – Pune – 410 503, for carrying out their Milk Processing activities, without obtaining Consent from the Respondent Board.

3) I say and submit that the MPC Board Officials at Pune carried out visit to the Respondent No. 8 and Respondent No. 9- Industries on 16/3/2023 and observed as follows –:

➤ **M/s Akash Dairy Farm –**

- i) The industry is a milk processing unit and engaged in collection of milk, pasteurisation of milk and packaging.
- ii) Industry is also engaged in trial of Ghee production.
- iii) The industry representative informed that Earlier industry was running in the name of M/s Vighnhar Dairy Pvt. Ltd. and the last consent was valid up to 30/11/2012 in the said name.
- iv) Daily water requirement of the industry is 30 CMD for which source is the dug well owned by the industry and located at about 1 KM away.



Industry has not provided any treatment plant for trade effluent and untreated effluent is disposed to local nalla. As informed by the representative of the industry that about 1 – 2 years ago, the industry used to dispose trade effluent into its agriculture field.



- vi) The industry has installed wooden fired hot water generator without APC system and has provided stack of 5 – 6 mtrs; Industry has provided one wood fired boiler (1 TPH capacity) with dust collector and 30 mtrs. height of stack has been provided but no sampling facility is available, this boiler is used for adjacent unit named as Rheansh Foods i.e. Respondent no. 9 ; one baby boiler of 1 Lakh Kcal capacity with dust collector. The industry has provided 5 – 6 mtrs height of stack, without sampling facility. Out of this, baby boiler is not in operation since 1.5 years.
- vii) Industry has provided DG set of 125 KVA with acoustic enclosure and Air Pollution Control system.
- viii) Daily raw milk requirement is about 20000 to 22000 Litres as per information given by industry representative.



M/s Rheansh Foods –

During visit, industry was found in operation and is engaged in production of flavoured milk at ground floor. It is also observed that industry has installed soft drink production set up at 1st floor and same has not yet been commissioned.

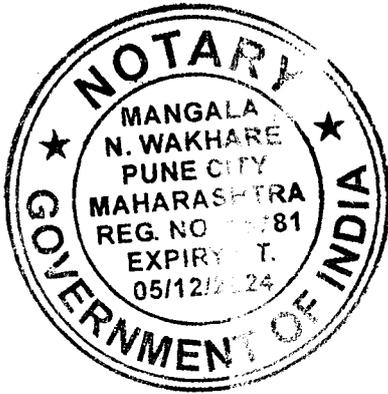
- ii) Manufacturing process of flavoured milk consists of addition of various flavours into pasteurised milk,

mixing, bottle filing and sterilization of bottles and dispatch.

- iii) Industrial effluent generated from washing activity is about 20 CMD for which industry has not provided ETP. Entire untreated effluent is disposed into nalla.
- iv) Industry is using boiler from adjacent unit i.e. Respondent No.8-M/s Akash Dairy Pvt. Ltd.
- v) Source of raw water is dug well owned by industry.
- vi) Industry had applied for consent in 2020 and same was refused by MPC Board.

Copies of visit reports dated 16/3/2023 are collectively attached and annexed herewith as an **Annexure – I**.

- 4) I say and submit that on the basis of non-compliance observed by the Officials of the Board at Pune on 16/3/2023, the Respondent Board issued Proposed Directions vide letters dated 28/4/2023 respectively to the Respondent Nos. 8 & 9 by giving an opportunity of personal hearing on 9/5/2023. Copies of Proposed Directions dated 28/4/2023 are attached and annexed herewith collectively as an **Annexure – II**.



- 5) I say and submit that on the basis of personal hearing held on 9/5/2023, the Respondent Board has issued Interim Directions dated 12/5/2023 to the Respondent Nos. 8 & 9 and directed the Respondents to strictly comply with the directions issued therein and directed Respondent No. 8 to submit the Bank

Guarantee of Rs. 1,00,000/- and to Respondent No. 9 to submit the Bank Guarantee of Rs. 50,000/- to the MPC Board within 7 days to ensure compliance of the directions mentioned in the Interim Directions dated 12/5/2023. Copies of the conditional directions dated 12/5/2023 are attached and annexed herewith collectively as an Annexure-III.

Solemnly affirmed on this15th.... day of May, 2023 at Pune.

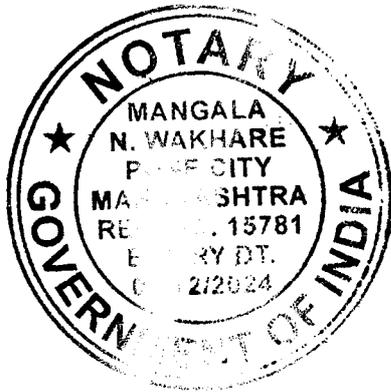
I know the affiant

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 1

ADVOCATE

Nitin Shinde
15/05/23
(Nitin Shinde)

Sub-Regional Officer, Pune-II



BEFORE ME
[Signature]
MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA
15 MAY 2023



MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, PUNE-II

Phone - (020) - 25816451

Fax - (020) - 25811029

Email - sropune2@mpcb.gov.in



2nd Floor, Jog Center

Wakadewadi, Mumbai-Pune

Road Pune 411003

VISIT REPORT

- 1) Name & address: - M/s. Akash Dairy Farms
(Earlier known as M/s. Vighnahar Dairy Pvt. Ltd.)
Sr. No. 123, A.P. Manchar.
- 2) Date of visit: - 16/03/2022
- 3) Contact person (Tel/Mob/email): - Mr. Sanjay J. Thorat
- 4) Consent status: - valid up to 30/11/2022



5) Additional Information:

- ① It is a Milk processing unit. Industry is engaged in collection of milk, pasteurization of milk & packaging.
- ② Industry is also engaged in trial of Ghee production.
- ③ Earlier industry was running in the name of M/s. Vighnahar dairy Pvt. Ltd. as reported by industry. Last consent was valid up to 30/11/2012 in the said name.
- ④ Daily water requirement is 30 CMD as reported by industry representative. Source of raw water is from own dug well located about 1 km away from industry.
- ⑤ At present there is no any treatment for trade effluent & untreated entire effluent is being dispose to local nalla. However industry representative reported that earlier ~~one~~ ~~was~~ 1-2 years ago they were disposed trade effluent own agriculture field.

⑥ In the said ~~no.~~ sr. no. industry has installed wooden fired hot water generator without APC system & having stack 5-6 mtrs, one wood fired boiler (1 TPH) capacity) with dust collector & 30 mtrs height of stack without sampling facility. And one baby boiler (1 lakh kcal capacity), with dust collector & 5-6 mtrs height of stack without sampling facility, out of this baby boiler not in operation since 1.5 years.

⑦ D.G. set (125 kVA) provided with acoustic enclosure & APC system.

⑧ out of above mentioned wood fired boiler (1 TPH) capacity is being used for adjacent unit name as m/s. Riyash, Foods.

⑨ Daily raw milk requirement is about 20,000 to 22,000 lit as reported by industry representative.



Sund

Warrant Secretary S.

Uday Yadav
FO, SRDP-II

D.D. Gavali
FO, SRDP-II

MAHARASHTRA POLLUTION CONTROL BOARD
SUB-REGIONAL OFFICE, PUNE-II

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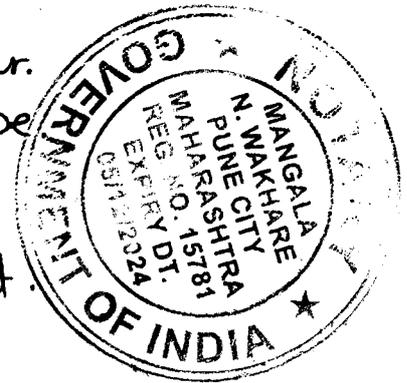
2nd Floor, Jyoti Center

Wakadewadi, Mumbal-Pune

Road, Pune - 411003

VISIT REPORT

- 1) Name & address: - M/s. Rijareh Foods.
So. no. 123, A.P. Manchar.
Tal. Ambegaon, Dist. Pune
- 2) Date of visit: - 16/03/2023.
- 3) Contact person (Tel/Mob/email): - Mr. Sanjay J. Thorat.
- 4) Consent status: - Applied for consent.



5) Additional Information:

- ① During visit industry was found in operation & engaged in production of flavored milk at ground floor. It is also observed that industry has installed soft drink production set up at 1st floor. & same not yet commissioned.
- ② mfg. of process of flavored milk consist of addition of various flavor into pasteurized milk, mixing, bottle filling & sterilization of bottles & dispatch.
- ③ Industrial effluent generate from washing activity about 20 cum. for which they have not provided ETP. Entire untreated effluent dispose into nulls.
- ④ Industry is taking boiler steam from adjacent unit i.e. m/s. Aakash dairy pvt. ltd.

- ⑤ Source of raw water is from own dug well
 ⑥ Earlier industry had applied for consent in 2020 & same was refused by board.

OF IN

Shub
 Thozed. Sourav S.

Uday Yashwanth
 16/3/2023
 (Uday Yashwanth)

D.D. Gavali
 (D.D. Gavali)
 Fo, Group-II



**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

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Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

"Your Service is our Duty"

MPCB/ROP/MPCB/PD/ 2304280001

Date: 28/04/2023

To,

M/s. Akash Dairy Farm.
Sr.no.123,A/P-Manchar,
Tal-Ambegaon, Dist_Pune

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Wastes (M & TM) Rules, 2016.

- Ref:**
- 1) Visit of Board official dated 15/03/2023.
 - 2) Compliant from complainant Shri Amol Shinde, regarding air and water pollution.
 - 3) Sub Regional Officer, Pune-2 Submitted legal action proposal vide no. MPCB-LEGAL_ACTIONS- 210323034 dated 10.04.2023.

WHEREAS, your industry is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 followed by further amendments made therein from time to time.

AND WHEREAS, the Board had granted the consent to operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous & Other Wastes (MH & TM) Rules, 2016 and amendments thereof.

AND WHEREAS, it is obligatory on your part to provide pollution control systems as it warranted and to operate and maintain the same continuously and effectively to achieve the standards prescribed in the consent.

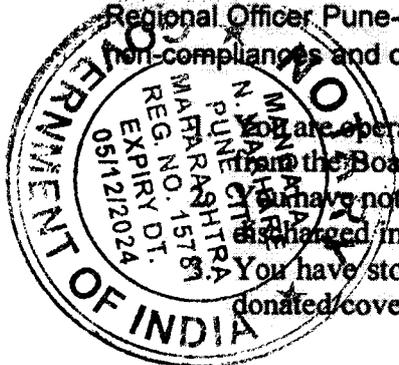
AND WHEREAS, Board office has received the Compliant from complainant Mr. Amol Shinde regarding air and water pollution.

AND WHEREAS, Board official has visited on 15/03/2023 to your industry for the investigation of complaint and compliance of consent condition and accordingly Sub Regional Officer Pune-2 submitted legal action proposal vide reference (3) with following non-compliances and observations were made as below,

You are operating your industry since Nov-2012, without obtaining valid consent from the Board. Please clarify.
You have not provided ETP for treatment of trade effluent and Untreated effluent discharged into gutter/nala.
You have stored boiler ash in open area of industry premises and not provided donated/covered area to store the same.

...2...

(Handwritten signature)



...2...

AND WHEREAS, from the record of this office and observations made during the visit, I came to the conclusion that, you are not complying the conditions mentioned in consent granted by the Board and also you have not complied with the provision of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 thereby causing grave injury to the environment.

NOW THEREFORE, in exercise of the powers conferred upon me under section 33 A of Water (Prevention & Control of Pollution) Act, 1974 and Section 31 A of Air (Prevention & Control of Pollution) Act, 1981, I, undersigned Regional Officer of the Board, at Pune hereby issue directions as under-

1. Why your industry shall not be directed to close down the manufacturing activity forthwith?
2. Why the competent authorities shall not be directed to disconnect Water / electricity supply of your industry?

You are directed to submit your reply within 07 days alongwith corrective action plan towards the compliance of above non-compliances along with all necessary documents and also directed to remain present for personal hearing on 09/05/2024 at 11:30 am in the office of Regional Officer, M. P. C. Board, Jog centre, 3rd floor, wakadewadi, Pune-03 along with action plan towards the compliance of above related points, failing which further necessary action as deemed fit in your case as per the provisions of various environmental enactments will be initiated against you, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board


Regional Officer,
M. P. C. Board Pune

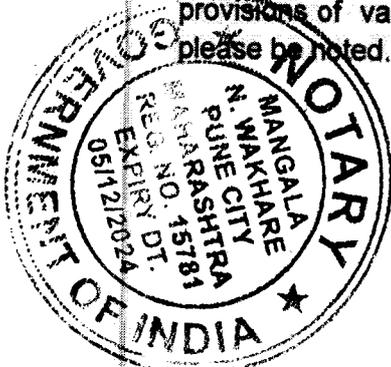
Copy Submitted for information to

1. Joint Director (WPC), M.P.C. Board, Mumbai.
2. Law Officer, M.P.C. Board, Mumbai.

Copy to-

The Sub-Regional Officer, M.P.C. Board, Pune-2.

- You are directed to keep the follow up and report the compliance from time to time



**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

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Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/MPCB/PD/

2804280002

Date: 28/04/2023

To,

M/s. Riyansh Foods
Sr.no.123,A/P-Manchar,
Tal-Ambegaon, Dist_Pune

Sub: Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous and Other Wastes (M & TM) Rules, 2016.

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 - 3) Sub Regional Officer, Pune-2 Submitted legal action proposal vide no. MPCB-LEGAL_ACTIONS- 230323002 dated 10.04.2023.

WHEREAS, your industry is located in the "Pollution Prevention Area" under the Water (Prevention & Control of Pollution) Act 1974, under the Air (Prevention & Control of Pollution) Act 1981 and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 followed by further amendments made therein from time to time.

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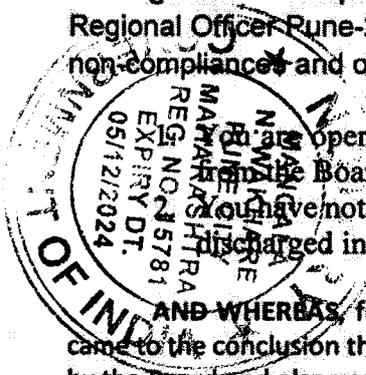
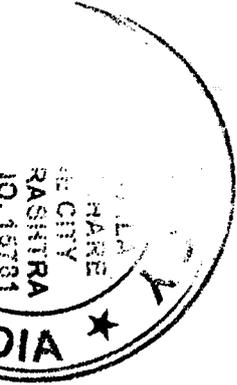
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1) You are operating your industry since last 02 years, without obtaining consent from the Board.

2) You have not provided ETP for treatment of trade effluent and Untreated effluent discharged into gutter/nala.

AND WHEREAS, from the record of this office and observations made during the visit, I came to the conclusion that, you are not complying the conditions mentioned in consent granted by the Board and also you have not complied with the provision of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 thereby causing grave injury to the environment.

...2...



...2...

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For and on behalf of
Maharashtra Pollution Control Board


Regional Officer,
M. P. C. Board Pune

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- You are directed to keep the follow up and report the compliance from time to time



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Wakdewadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/ID/ 2305/2004

Date: 12/05/2023

To,
M/s. Akash Dairy Farm,
Sr. No. 123, A/p. Manchar,
Tal. Ambegaon, Dist. Pune.

Sub: Interim Directions under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and 31A of Air (Prevention & Control of Pollution) Act, 1981.

Ref : (1) Application filed by Mr. Amol Shinde before Hon'ble NGT vide OA No. 22/2023 (WZ).

(2) Legal Action Proposal Submitted by Sub Regional Officer Pune-II vide MPCB- LEGAL-ACTIONS-230323052, Dtd. 10/04/2023

(3) Proposed Directions issued vide no. ROP/PD/2304280001, Dtd. 28/04/2023.

(4) Personal Hearing Extended on 09/05/2023.

With reference to proposed directions the personal hearing extended on 09/05/2023. Considering your reply and technical submissions during the hearing and Sub Regional Officer Pune-II report, you are hereby directed to strictly complied with the following Interim Directions.

- (1) You shall obtain valid consent to operate from the Board.
- (2) You shall operate effluent treatment plant so as to achieve consented effluent discharging standards.
- (3) You shall utilize the treated effluent for gardening upto maximum extend, if excess will be discharge into local body drainage after achieving consented standards.
- (4) You shall operate cyclon type dust collection system to hot water generator continuously.
- (5) You shall submit the Bank Guarantee of Rs. 1,00,000/- (One Lakhs Only) towards ensure the compliance of above directions, The Bank Guarantee shall submit within 07 day in favor of Regional Officer, MPC Board, Pune

You shall submit action taken report on above directions within 07 days. In case you fail to comply with the above directions the Board will have no option than to issue appropriate directions as deem fit under provisions of the Water (P. & C. P.) Act, 1974 and the Air (P. & C. P.) Act, 1981, which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board


Regional Officer, Pune

Copy submitted to:-

- (1) Joint Director (APC), MPCB, Mumbai.
- (2) Policy and Law Division, MPCB, Mumbai.

Copy to for necessary action please :-

- The Sub-Regional Officer, M.P.C. Board, Pune-II : You shall verify compliance and report accordingly.



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MAHARASHTRA POLLUTION CONTROL BOARD REGIONAL OFFICE - PUNE

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Fax No. 020-25811701
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"Your Service is our Duty"

Jog Centre, 3rd Floor,
Wakdevadi,
Old-Pune Mumbai Road,
Pune- 411003

MPCB/ROP/ID/ 2305120003

Date: 12/05/2023

To,
M/s. Riyansh Foods,
Sr. No. 123, A/p. Manchar,
Tal. Ambegaon, Dist. Pune.

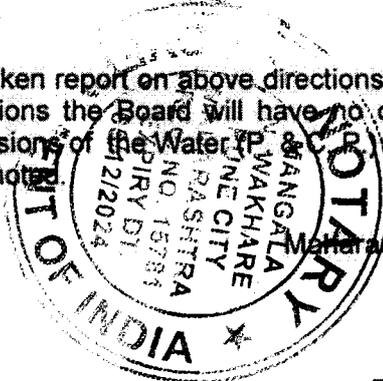
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(2) Legal Action Proposal Submitted by Sub Regional Officer Pune-II vide MPCB- LEGAL-ACTIONS-230323004, Dtd. 10/04/2023
(3) Proposed Directions issued vide no. ROP/PD/2304280001, Dtd. 28/04/2023.
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- (4) You shall operate cyclon type dust collection system to hot water generator continuously.
- (5) You shall submit the Bank Guaratee of Rs. 50,000/- towards ensure the compliance of above directions, The Bank Guaratee shall submit within 07 day in faver of Regional Officer, MPC Board, Pune

You shall submit action taken report on above directions within 07 days. In case you fail to comply with the above directions the Board will have no option than to issue appropriate directions as deem fit under provisions of the Water (P. & C. P.) Act, 1974 and the Air (P. & C. P.) Act, 1981, which may please be noted.



For and on behalf of
Maharashtra Pollution Control Board

Regional Officer, Pune

Copy submitted to:-

- (1) Joint Director (APC), MPCB, Mumbai.

Copy to for necessary action please :-

- The Sub-Regional Officer, M.P.C. Board, Pune-II : You shall verify compliance and report accordingly.