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**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 32 OF 2023**

IN THE MATTER OF:-

**RAJU ALIAS DEVAVAPPA ANNA SHETTY &Ors.APPLICANT
V/S.**

M/S. SHRI DUTT INDIA PVT. LTD.,&Ors.RESPONDENTS

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No. 2.

I, Navanath S. Awatade, aged about 52 years, occupation-service, the Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at UdyogBhavan, Vishrambag, Sangli-416415. I am filing this affidavit on behalf of the Respondent No – 2 do hereby solemnly affirm state as under.

I am working as the Sub Regional Officer, Sangli with the Maharashtra Pollution Control Board w.e.f. 19/07/2019. I am well conversant with the facts and circumstances of the case as well as the record of the case lying in my office, I am filing this Affidavit only with a limited purpose of bringing on record true facts of the case as under.

I, say and submit that in pursuant to the order dated 29/11/2023, passed in Original Application No. 69 of 2022 & Original Application No. 32 of 2023 by the Hon'ble National Green Tribunal, (WZ), Pune, the Board has assessed the combine Environmental Compensation of the Sangli Miraj and Kupwad City Municipal Corporation, Sangli Tal: Miraj Dist: Sangli - Respondent No. 7 (O.A. No. 69/2022) & Respondent No. 3 (O.A. No. 32/2023). The details are as under -

1. Sangli Miraj and Kupwad City Municipal Corporation, Sangli, Tal-Miraj, – Respondent No.3.

- Total Environmental Damage Compensation (EDC) amounting of Rs. 90.00 Crore(Rs. Ninety Crore only) has been calculated and the same is communicated to the said Respondent vide letter no. MPCB/RO/KOP/NGT-32/2023(WZ)& 69/2022 (WZ)/FTS-0001 Date 17/02/2024. A Copy is enclosed and marked as an ANNEXURE "A".



Solemnly affirmed on the day 17th February, 2024.

17 FEB 2024

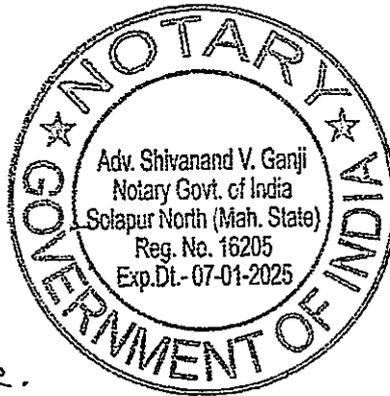
Identified by

For and on behalf of Respondent No. 2.

Explained and Identified by

(Navanath S. Awatade)
Sub Regional Officer-Sangli.

Dhekane S. M.
B.A.L.L.B. / Aug.-2008
Advocate Code - 775



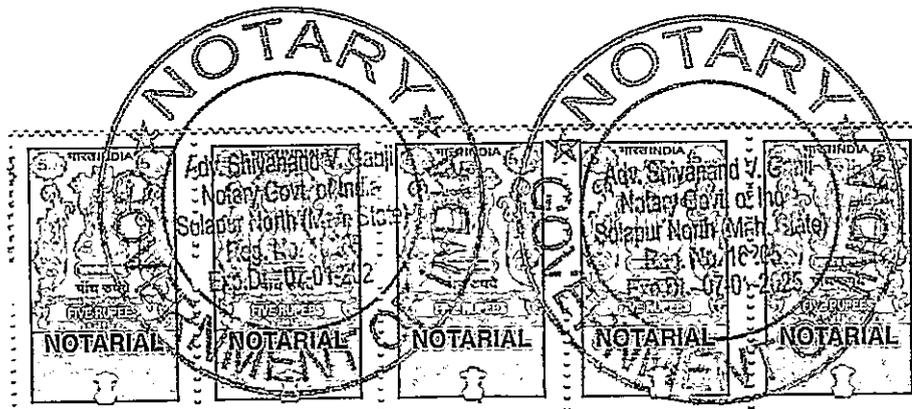
Solemnly Affirmed before me by
Name The Sub Regional Officer
Mah. Pollution Control Board at Sangli,
Shri Navanath Awatade,
who is identified by Shri Adv. Dhekane S. M.
Whom / personally know Dhekane S. M.
Date:- 17/02/2024

BEFORE ME

SHIVANAND V GANJI
Advocate / Notary
Notary Solapur North (Mah. State)
Notary Govt. of India
Reg. No.-16205

Noted & Registered	
Serial No	418
Date	17 FEB 2024

Page No. 02 Dt. 17/02/2024
Adv. Shivanand V. Ganji
Advocate / Notary Reg. No. 16205



**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.**

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"Your Service is Our Duty"

Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website: <http://mpcb.mah.nic.in>

No. MPCB/RO/KOP/NGT-32/2023(WZ) & 69/2022(WZ)/FTS-0001

Date: 17/02/2024

To,
The Commissioner
Sangli Miraj Kupwad Municipal Corporation
Sangli
Tal. Miraj, Dist. Sangli.

Sub: Environmental Compensation as per NGT Order dated 29.11.2023.

Ref: 1. NGT Order Dated 29.11.2023 in the Original application No.
32/2023 (WZ) & 69/2022 (WZ).
2. Approval received from competent authority.

Sir,

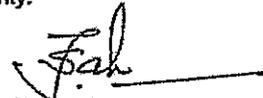
With reference to above subject Order No. 32/2023 (WZ) & 69/2022 (WZ) has been passed by Honourable NGT dated 29.11.2023. In the last order passed, NGT has directed to levy Environmental Compensation & penalty to your Corporation. Accordingly, Environmental Compensation has been calculated by MPCB.

In view of the above you are requested to deposit the amount of Rs. 90,00,00,000/- (Rupees Ninety Crore Only) to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and address : State Bank Of India, Kolhapur Treasury,
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 37822828958
IFSC Code : SBIN0007249

Failure on your part to comply with this Directions Board will take necessary steps for recovery of the said amount which please be noted.

This is issued with the approval of competent Authority.


(J.S. Salunkhe)

Regional Officer, MPCB Kolhapur.

Copy submitted to

1. Member Secretary, MPC Board, Mumbai.
2. Joint Director (APC), MPC Board, Mumbai
3. Law Division, MPC Board, Mumbai.

Copy for further follow up:

Sub Regional Officer, MPCB, Sangli.- Please go through the NGT order dtd. 29.11.2023 & submit Action Taken Report to HOD with copy to this office for necessary record under intimation.



Report on Environmental Compensation to be levied on Sangli Miraj and Kupwad City Municipal Corporation, Sangli, Tal-Miraj, Dist-Sangli, Maharashtra, in compliance with order of Hon'ble National Green Tribunal in the matter of Original Application No. 69/2022 (WZ). And Original Application No. 32/2023 (WZ).

1. Background:

In the matter of Original Application No. 69/2022 (WZ), titled Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh vs State of Maharashtra & Ors, as per order dated 24/08/2022 of the Hon'ble NGT is about pollution of River Krishna by discharge of untreated effluent into the said river by several industries situated near Mouje Digraj, Palus to Sangli area in District Sangli. Also, mentioned regarding the news about death of fishes and damage to biodiversity on account of the said untreated effluent being discharged into the said river & in compliance of the order of the Hon'ble National Green Tribunal (WZ) vide dated 24/08/2022, the Joint Committee has visited & inspected the industry on 30/09/2022 & submitted the joint committee report to Hon'ble National Green Tribunal.

In the matter of Original Application No. 69/2022 and also in the matter of Original Application No. 32 of 2023 (WZ), titled Raju alias Devavappa Anna Shetty & Ors. Vs M/s Shri Dutt India Pvt. Ltd. & Ors. As per order dated 29-11-2023 of the Hon'ble NGT pointed out by the learned counsel that the Joint Committee has not made any calculation of the EDC with respect to the pollution by respondent i.e. Sangli Miraj and Kupwad City Municipal Corporation, Sangli.

Considering the above non-compliances recorded in the matter of Original Application No. 69/2022 (WZ) and in the Original Application No. 32 of 2023 (WZ), regarding non provision of Sewage Treatment Plant for treatment of sewage for Sangliwadi Nalla and Sheri Nalla and discharge of untreated sewage into Krishna River accordingly MPCB has issued the Direction under section 33A of the Water (Prevention & Control of Pollution) Act, 1974, 31A of the Air (Prevention and Control of Pollution) Act, 1981 and Hazardous Waste (Management, Handling and Transboundary) Rules 2016 and Municipal Solid Waste Rules 2016 on 16/09/2022 and 10-03-2023. A copy of the directions are collectively enclosed Annexure-I & II.



Also in compliance of the Hon'ble National Green Tribunal in Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., and order dated 12-03-2019 in the matter of Original Application No. 710/2017 the Board has issued Directions under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 vide letter No. MPCB/ID (WPC)/B-3397(3), Dated 11-09-2019 and directed to comply with the following directions.

- a. To submit the time bound action plan for 100% treatment of the generated sewage and achieving effluent discharge standards for Sewage Treatment Plant (STP).
- b. Prepare and furnish action plan for utilization of treated sewage.
- c. Why the Municipal Corporation shall not be levied by Maharashtra Pollution Control Board the maximum amount of Environmental Compensation (Total Capital Cost Component Amount i.e. Rs. 10 Crore as well as O & M. cost component i.e. Rs. 5 Lakh per day) recommended for untreated/partially treated sewage discharge as mentioned in the Hon'ble National Green Tribunal in Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors. A copy of the directions are collectively enclosed Annexure-III.

2. Environmental Compensation:

The Environmental Compensation to be levied in case of failure of preventing the pollutants being discharge in water bodies resulting into damage to the environment i.e. into Krishna River resulting in acute injury or damage to the environment.

Methodology recommended in "Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" which has also been referred by the Hon'ble National Green Tribunal in its order (para 14 to 16) dated 28/08/2019 in the matter of Original Application No. 593/2017 titled Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors., is used to calculate Environmental Compensation on therefore said Municipal Corporation for illegal untreated/partially treated sewage being discharged into the environment.

Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Minimum and Maximum EC to be levied for untreated / partially treated sewage discharge.

Class of the City/Town	Class-I City/Town and others
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 0.5 Max. 5

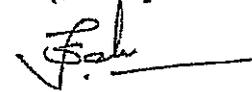
Therefore the Environmental Compensation applicable is -

- i) Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.) = Rs. 10.00 Crore. (Max.)
- ii) Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day) = Rs. 5.00 Lakhs x 1600 day (from the date of direction 11-09-2019 to 31-01-2024) = Rs. 80.00 Crore.

Total Environmental Compensation = Rs. 10.00 Crore + Rs. 80.00 Crore
= Rs. 90.00 Crore (Rs. Ninety Crore only.)

3. Conclusions:

The total Environmental Compensation to be levied on the Sangli Miraj and Kupwad City Municipal Corporation is Rs. 90.00 Crore (Rs. Ninety Crore only).



(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur.