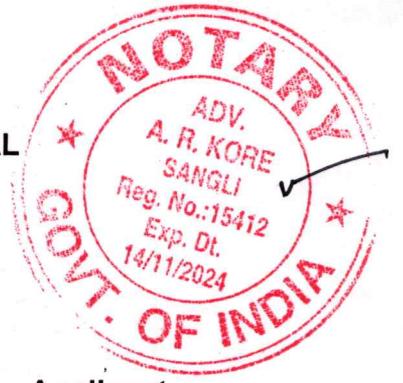


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10 NOV 2023

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
ORIGINAL APPLICATION NO. 89 OF 2023



IN THE MATTER OF:-

Ravindra Kuber Walawade

....

Applicant

V/s.

Government Medical College & Hospital & Ors. .... Respondents

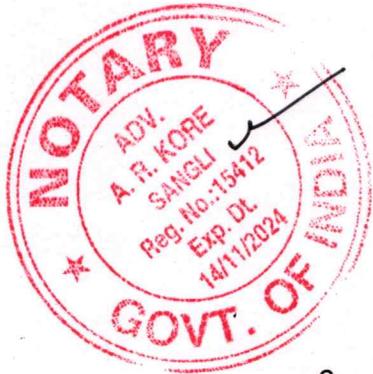
REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No. 3 & 4.

I, Navanath Sambhaji Awatade, aged about 53 years, occupation-service, the Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at Udyog Bhavan, Near Govt. Rest House, Vishrambag, Sangli. I am filing this affidavit on behalf of the Respondent No. 3 & 4 do hereby solemnly affirm state as under:

1. That I, am presently working as the Sub Regional Officer, Sangli with the Maharashtra Pollution Control Board. I say and submit that, I have gone through the records of the present application and thereafter made myself conversant with the facts and circumstances. I am filing the present affidavit-in-reply in response to the application after understanding the contents thereof. At the outset I deny all the averments, assertions and contentions, made in the application against Board and those which are not dealt with by me specifically in this reply may not be construed as having admitted the truthfulness thereof.
2. That the averments made in Para No. 1 & 2 is about the address & the profession of Applicant and Respondent no.1, hence no comments from this Answering Respondents No. 3 & 4.
3. That the averments made in Para No. 4 is about the present Respondents No.3 & 4 i.e. Maharashtra Pollution Control Board.
4. That the averments made in Para No. 6 to 12 it is true to say that the applicant has made written complaint of Respondent No.1 to Respondent No.3 vide their letter dated 02-12-2022 regarding

Respondent No.3 vide their letter dated 02-12-2022 regarding serious water pollution due to discharging untreated effluent by the Respondent No.1. Accordingly by taking cognizance of the complaint the Board officials of Respondent No. 4 has visited the hospital of Respondent No.1 on dated 05-12-2022 and observed the non-compliances of Bio-Medical Waste Rule 2016 and the conditions of The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and Hazardous Waste (Management and Transboundry Movement ) Rules 2008. Then after based on the non-compliances the Respondent No.3 had issued A Warning Notice on dated 12-12-2022 and Show Cause Notice by Respondent No.4 on dated 29-12-2022. The copies are enclosed herewith and marked as an **Annexure "A"**.

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I say and submit that the Respondent No. 1 has submitted their reply to show cause notice issued by the Respondent No. 3, vide dated 18-01-2023 wherein it is mentioned that the correspondence for installation of Sewage Treatment Plant / Effluent Treatment Plant as well as renewal of existing Bio Medical Waste Authorization and obtaining Combine Consent Authorization (CCA) for 315 Bedded Hospital, with their corresponding authority is in progress. The copies are enclosed herewith and marked as an **Annexure "B"**.

6. I say and submit that in response to the actions taken by the Respondent No. 3 & 4, the Respondent No. 1 has not taken any effective steps towards compliance of the warning notice and show cause notice except treatment and disposal of the Bio Medical Waste generated from the premises of the Respondent No.1, as Respondent No.1 is the member of Common Bio Medical Waste Treatment and Disposal Facility (CBMWTSDF) i.e. M/s. Surya Central Treatment Facility for Bio Medical Waste, Plot No. D-60, MIDC Miraj, Tal-Miraj, Dist-Sangli.

In view of above non-compliance, the Respondent Board had issued proposed direction u/s 33A of the Water (P&CP) Act, 1974 and u/s 31A of the Air (P&CP) Act. 1981 vide letter dated 07-09-2023 directing to the Respondent No 1 to take short / long term measures / time bound action plan immediately. A copy of said proposed direction dated 07-09-2023 is enclosed and marked as an Annexure "D".

Solemnly affirmed on <sup>November</sup> 10 the day ~~September~~, 2023

*A. Kulkarni*  
Identified by  
*Pranavkumar Kulkarni*

For and on behalf of Respondent No. 3 & 4

*Awatade*  
(Navanath Sambaji Awatade)  
Sub Regional Officer, Sangli.



10 NOV 2023



Solemnly affirmed before me by  
Shri Navanath Sambaji Awatade  
Who is identified before me by Shri Pranavkumar Kulkarni  
Shri Pranavkumar Kulkarni  
whom personally known. at Sangli

*Pranav*  
10/11/2023  
ADV. A. R. KORE  
NOTARY REG. NO. 15412,  
GOVT. OF INDIA  
Kaveri Appt., Saraswatinagar  
SANGLI - 416 416 (M.S.)



## MAHARASHTRA POLLUTION CONTROL BOARD

Ph. No. (0233) 2672032 (0233) 2675932 E-mail:- <a href="mailto:srosangli@mpcb.gov.in">srosangli@mpcb.gov.in</a> Website – <a href="http://www.mpcb.gov.in">www.mpcb.gov.in</a>		<b>Address:-</b> Sub Regional Office, Sangli Udyog Bhavan, Behind Tata Petrol Pump, Vishrambag, Sangli – 416415.  <p style="text-align: center;">"Your service is our Duty"</p>
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No. MPC/SRO-Sangli/~~VN~~/2212120001

Date:- 12 / 12 / 2022

To,  
 M/s. Government Medical College  
 And Hospital, Plot no. 969/1B, Tal. Miraj,  
 Dist. Sangli.

**Sub: - Non compliances observed during the visit of Board official.**

Ref: - [1] Complaint received from Mr Ravindra K. Walawade.  
 [2] Visit of the Board Official to your unit on 05/12/2022.

.....

Ministry of Environment and Forests, Govt. of India has notified, Water (Prevention and Control of Pollution), Act, 1974 for prevention and control of water pollution and the maintaining or restoring of wholesomeness of water and Air (Prevention and Control of Pollution), Act, 1981 for prevention, control and abatement of air pollution. Also, Ministry of Environment and Forests, Govt. of India in exercise of the powers conferred u/s. 6, 8 & 25 of Environment (Protection) Act, 1986 has notified the Bio-Medical Waste Management Rules, 2016, which is subsequently amended from time to time.

Maharashtra Pollution Control Board is the Prescribed Authority for the enforcement of Bio-Medical Waste Management Rules, 2016, as amended from time to time. Also, it is obligatory on the part of every occupier generating bio-medical waste to obtain Consent to Operate and BMW authorization under Rule 8 of the said Rules, by making application in Form – I to the prescribed authority accompanied by a fee as prescribed by the State Government of Maharashtra.

Board official and Hospital Authorised person jointly visited your Hospital on 05/12/2022 for checking the compliance of the Combined Consent and Bio medical waste Authorization obtained status and its compliance. During the visit following non compliances have been observed:-

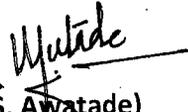
- [1] During the visit 315 bedded multispeciality hospital found in operation.
- [2] Obtained membership of CBMWTSDF for only 120 Beds and beds found occupied 315 beds.
- [3] You have failed to obtain prior Combined Consent and Bio medical waste Authorization from Maharashtra Pollution Control Board and violating the provisions of Bio medical Waste Management Rules, 2016.

:2:

- [4] You have failed to provide the combined Treatment Plant and found that untreated effluent found discharged into corporation sewer line.
- [5] Arrangement is not available to assess the quantity of water consumption.
- [6] Colour coded bags provided for segregation (Source). But, during the visit it was observed that Black Colour coded Bags for the storage of Municipal Solid waste found less.
- [7] Separate storage room provided for final Bio medical Waste storage. Not provided Bio Hazard symbol.
- [8] Not submitted online Bio medical waste annual report.
- [9] Record regarding training given to the staff not found maintained.
- [10] Source of water consumption from ground water, but, you have failed to obtain permission from concern department i.e. Central Ground Water Authority / Board.
- [11] Segregation of colour coded bags found unscientific in some sections like ICTC section etc.

The above non compliances shows your negligent attitude towards implementation and management of Bio-Medical Waste Management Rules, 2016.

In view of above you are hereby instructed to take effective measures to comply above points immediately. Your reply if any shall reach to this office within a period of three days from the receipt of this letter. Failure in this, appropriate action may be initiated against you, which may please be noted.

  
(N. S. Awatade)  
Sub - Regional Officer,  
M.P.C. Board, Sangli

**Copy submitted for information to:-**  
The Regional Officer, M.P.C. Board, Kolhapur

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

<p>Tel. No. (0231) 2652952, 2660448 Fax No. (0231) 2652952. E-mail: <a href="mailto:rokolhapur@mpcb.gov.in">rokolhapur@mpcb.gov.in</a></p>	 <p>"Your Service is Our Duty"</p>	<p>Udyog Bhavan, Near Collector Office, Kolhapur - 416 003. Website: <a href="http://mpcb.mah.nic.in">http://mpcb.mah.nic.in</a></p>
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MPCB/RO/KOP/BMW/SCN/ 2212290002

Date: 29/12/2022

To,  
M/s. Government Medical College & Hospital,  
Plot No. 969/1B, Miraj,  
Tal. Miraj, Dist. Sangli.

**Sub:- SHOW CAUSE NOTICE** for for violation of  
Bio-Medical Waste (M & H) Rules, 2016.

- Ref:-** 1. Notification issued by the MOEF, GOI, New Delhi  
No. SO- 630(E) Dtd. 29-07-1998.  
2. Directive of the Honorable High Court.  
3. Complaint from Mr. Ravindra K. Walawade  
4. Visit Report dated 05.12.2022.  
5. Report/ proposal submitted by SRO Sangli.

.....

**WHEREAS**, the Ministry of Environment & Forests, Govt. of India in exercise of powers conferred under Environment (Protection) Act, 1986 has notified the Bio-Medical Waste (Management and Handling) Rules, 2016.

**WHEREAS**, you are operating your HCE in 'Pollution Prevention Area' declared under Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008.

**AND WHEREAS**, Board has granted to you authorization under Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008.

**AND WHEREAS**, it is obligatory on your part to provide full fledged transport treatment & disposal of Bio medical waste generated from health centre & to operate the same round the clock so as to achieve the authorization standards prescribed by the Board under Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008 as well as Environment Protection act 1986.

**AND WHEREAS**, the Board officials of SRO Sangli office has submitted the proposal for initiating necessary action under the Environment ( Protection ) Act, 1986 has notified the Bio-Medical Waste ( Management and Handling ) Rules, 2016. For the complaint from Mr. Ravindra K. Walawade regarding water pollution caused during operation of hospital activity.

**AND WHEREAS**, Board Officials visited your HCE on 05.12.2022 for investigating the compliant matter, regarding unscientific disposal of untreated waste water and observed following non compliances.

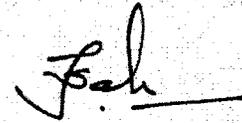


1. 315 Bedded Multi specialty Hospital found in operation.
2. You have not Obtained membership of CBMWTSDF for 315 beds. Membership of CBMWTSDF Only for 120 Beds obtained and found occupied 315 beds.
3. You have not Obtained Registration for 315 beds. Hospital was registered on 1995 for 260 Beds.
4. You have not provided Effluent Treatment Plant (ETP)/ STP. As Untreated effluent is being discharged into corporation sewer line.
5. You have not provided Colour coded bags as per specifications of BMW Rules. Colour coded bags provided for segregation (Source). Black Colour coded (MSW) found less. Hospital authority shall segregate and make arrangement for the scientific storage of Municipal Solid Waste.
6. You have not provided Biohazard symbol on colour coded bags provided for segregation.
7. You have not submitted Bio medical waste annual report.
8. You have not deposited the Consent & BMW fees. Earlier Instructed to the hospital authority to submit the fees Rs 6,25,000/- but, Hospital authority requested to exempt them as the hospital is a Government Hospital.
9. You have not provided scientific provision for storages of BMW & non-hazardous waste.
10. You have not submitted reply to Warning Notice of SRO, Sangali.

**AND WHEREAS**, after examining the report of your case, I am satisfied that you are not serious about compliance of Bio Medical Waste ( M & H ) Rule knowingly and will full operating your HCE without causing adverse effect on the human health and surrounding environment

**THEREFORE** you are now directed to Show Cause as to why legal action under provision of the Bio Medical Waste (M & H) Rules 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M & TM) Rules, 2008.as amended and Noise Pollution Rules under Environmental (Protection) Act 1986.

Your reply/ objection should reach this office within seven days time after receipt of this letter. Failure to this, it will be assumed that you have nothing to say and closure direction will be issued under the provision of Environmental Laws, which may please be noted.



(Jagannath Salunkhe)  
Regional Officer, Kolhapur.

Copy to-

1. The Principal Scientific Officer, M.P.C. Board, Mumbai.
2. Sub Regional Officer, M.P.C. Board, Sangli.  
- For further follow up & you are directed to serve the notice to HCE. & submit the compliance within stipulated period.

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

Tel. No. (0231) 2652952,  
2660448  
Fax No. (0231) 2652952  
E-mail:  
rokolhapur@mpcb.gov.in



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

"Your Service is Our Duty"

No. MPCB/RO/KOP/PD/ 2309070001

Date: 07/09/2023.

To,  
M/s. Government Medical College & Hospital.  
Plot No.969 /1B , Miraj ,  
Tal. Miraj, Dist. Sangli-416416.

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 Waste (M, H & T) Rules, 2008 as amended.

Ref: 1. Complaint received from Shri.Ravindra Kuber Walawade, Sangli  
2. Notification issued by the MOEF,GOI,New Delhi No.SO-630(E)  
dtd.29/07/1988  
3. Directive of the Hon"ble High Court.  
4. Visit of Board officials on 05/12/2022  
5. Warning Notice issued by SRO Sangli on 12/12/2022.  
6. Show Cause Notice issued by this office on 29/12/2022  
5. Proposal submitted by SRO Sangli.  
.....

WHEREAS, you are operating your HCE in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, the Board officials of SRO Sangli has submitted the proposal for initiating necessary legal action under the Environment (Protection) Act, 1986 has notified the Bio- Medical waste (Management & Handling) Rules, 2016.

AND WHEREAS your hospital is being discharged untreated effluent into municipal sewer & also till date not obtained valid Combine Consent authorization from the board.

J.F.-

AND WHEREAS, till date your hospital has not taken any cognizance towards compliance of warning notice, show cause notice issued by the board & also the legal matter vide OA No. 90/2023 filed by Ravindra Kuber Walavade pending before Hon'ble NGT, Court .

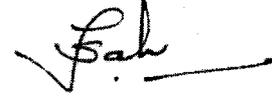
AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities).

Why further Stringent Legal action shall not be initiated against your HCE ?

You are directed to file your reply to these directions if any, within seven days from the receipt of this notice, failing which Board shall consider issuance of appropriate final directions as may be deemed fit in your case, which may please be noted.

FOR AND ON BEHALF OF THE BOARD



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

Copy submitted for information.

- 1) Member Secretary, M.P.C. B, Mumbai.
- 2). Joint Director (APC ) M.P.C. B, Mumbai

Copy to:

Sub-Regional Officer, M.P.C.Board, Sangli

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly.

