

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 90 OF 2023**

IN THE MATTER OF:-

Ravindra Kuber Walawade. Applicant.

V/s.

Padmabhushan Vasantdada Patil Govt.

Hospital & Ors. Respondents.

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

I, Vidyasagar V. Killedar, aged about 51 years, occupation-service, the Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at Udyog Bhavan, Vishrambag, Sangli-416415. I am filing this affidavit on behalf of the Respondent No – 3 & 4 do hereby solemnly affirm state as under.

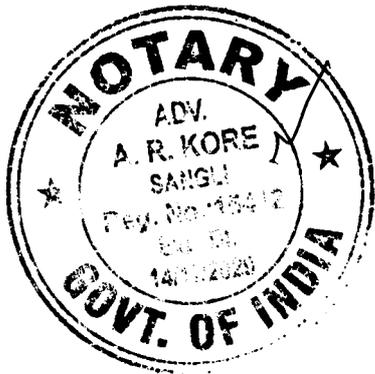
I am working as the Sub Regional Officer, Sangli with the Maharashtra Pollution Control Board w.e.f. August 2024. I am well conversant with the facts and circumstances of the case as well as the record of the case lying in my office, I am filing this Affidavit only with a limited purpose of bringing on record true facts of the case as under.

1. I, say and submit that Respondent No. 1- Padmabhushan Vasantdada Patil Government Hospital, Sangli. has not obtained Combine Consent Authorization (CCA) as per the Acts/Rules.

16 APR 2025

2. I, say and submit that CPCB has issued direction dated 04.06.2012 to all SPCB u/s 18 (b) of Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act, 1981 & directed SPCBs to follow the "Revised List of Red, Orange, Green, White Category" for consent Management. CPCB has issued Revised Categorization of Industry wherein HCFs are categorized into RED and Orange Category w.e.f. 30.04.2020.

In view of above the Board has issued Circular regarding Revision of industry category (Red/Orange/Green/White) of Health Care Facilities (HCFs) based on pollution potential vide letter No. MPCB/PSO/BMW/C-220204-FTS-0045, Dated 04-02-2022. The health care Establishment bedded (51 and above beds) failing to obtain CCA (Consent to Establish, Operate, Renewal) shall be levied penal fees wef. April 2012. Respondent No.1 is being operating more than 350 bedded hospitals and therefore, penal fees have been charged wef. April 2012. A copy of the circular dated 04.02.2022 is enclosed as -"Annexure-A."



3. I say and submit that as per CPCB Classification of Industries into Red, Green and Orange Category dated 04.06.2012, the Health Care Establishment as per BMW Rules, 2016 falls in consent regime at Sr No 26. As per revision of categorization, it is mandatory to obtain consent under Red Category. However,

Respondent No. 1- Padmabhushan Vasantdada Patil Government Hospital, Sangli has failed to obtain Combine Consent Authorization (CCA) as per the CPCB direction dated.04.06.2012. Therefore, the Board has calculated EDC wef 01.04.2012 as per the Boards Circular Dtd. 04.02.2022.

Solemnly affirmed on the day 16th April 2025.

m patil
Identified by

(Adv. Amit M. Patil)

For and on behalf of
Respondent No.3 &

Billedar

(Vidyasagar V. Killedar)
Sub Regional Officer-Sangli.



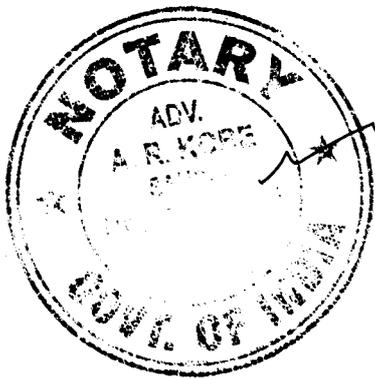
16 APR 2025

VERIFICATION

I, Vidyasagar V. Killedar, Age-51 Years, working as Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at Udyog Bhavan, Vishrambag, Sangli-416416 do hereby state on solemn affirmation what is stated in the forgoing affidavit in reply to my own knowledge and I believe the same to be true and correct.

Solemnly affirmed on the day 16th April 2025.

For and on behalf of Respondent No. 3 & 4



(Handwritten signature)

(Vidyasagar V. Killedar)

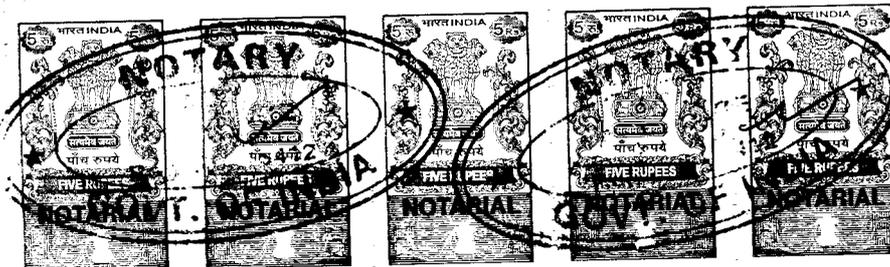
Sub Regional Officer

Maharashtra Pollution Control Board, Sangli.

16 APR 2025

Solemnly affirmed before me by
Shri Vidyasagar V. Killedar Mo. Sangli
Who is identified before me by
Shri Amit M. Patil Adv. 76 Sangli
whom personally known.

(Handwritten signature)
16/4/2025
ADV. A. R. KORE
NOTARY PUBLIC NO. 15412,
GOVT. OF INDIA
Kaveri Appt. Saraswatinagar
SANGLI - 416 416 (M.S.)



MAHARASHTRA POLLUTION CONTROL BOARD

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Mumbai- 400 022.

No. MPCB/PSO/BMW/C- 220204 FTS 0045

Date: 4/02/2021

Circular

Sub: - Revision of Industry Category (Red/Orange/Green/White) of Health Care Facilities (HCFs) based on pollution potential.

- Ref: -**
1. Rule 10 of Bio Medical Waste Management Rules, 2016.
 2. CPCB revised industry Categorization Dtd. 30/04/2020.
 3. Minutes of the Minutes of 177th MPC Board Meeting Dtd. 06/10/2021.

Chairman Central Pollution Control Board issued directions dated 04.06.2012 to all SPCB under section 18 (1b) of Water (Prevention and Control of Pollution) Act, 1974 and Air (Pollution Prevention and Control) Act, 1981 wherein directed SPCBs to follow the "Revised list of RED, Orange, Green, White Category" for Consent management. Further, on 30/04/2020 CPCB issued Revised categorization of industry wherein HCFs are categorized into RED and Orange category.

In compliance MPCB in its 177th Board Meeting decided to adopt following classification of HCFs and industries Generating / Handling Bio Medical Waste.

A) RED Category:

1. Common BMW Treatment Facilities and Industries generating/ handling BMW
 2. HCFs having **captive** BMW incinerator
 3. HCEs having coal /oil fired Boiler, and/or captive laundry activity
 4. HCFs not having 2 & 3 above but generating Sewage/effluent quantity more than 100 KLD
- OR
5. HCFs having more than 100 Beds

B) ORANGE Category:

1. HCFs not having captive BMW incinerator,
 2. HCES not having coal /oil fired Boiler, and/or captive laundry activity
 3. HCEs generating Sewage/effluent less than 100 KLD
- OR
4. HCFs up to 100 Beds

HCFs Industry Categorization as above shall be applicable with effect from **1st December 2021.**

Consent to Establish for HCFs (Red & Orange Category) shall be valid for **FIVE** years from the date of issue subject to prior submission of requisite Fees and applicable

Bank guarantee for compliance of consent conditions and Environmental Clearance, if applicable.

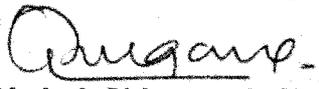
Combined Consent and BMW Authorization (CCA) for **RED** category HCFs (Consent to Operate / Renewal) shall be admissible for max 5 Terms of One year i.e. **5 Years**.

Combined Consent and BMW Authorization (CCA) for **ORANGE** category HCFs shall be Eligible for CCA (Consent to Operate/ Renewal) of Max. of FIVE terms of 2 Yr. i.e. **10 Years**.

Long Terms CCA (First Operate / Renewal) shall be admissible subject to following as applicable:

1. Payment of advance fees for entire duration.
2. Having valid membership of Common Facility of the proposed duration,
3. Having adequate ETP/ STP meeting the discharge standards and Adequate APCD meeting emission standards as per CTE/CTO and,
4. Online BMW Annual Report submission on MPCB portal every year before due date.
5. Submission of valid Performance Bank Guarantee imposed, if any, valid for entire period of CCA, prior to issue of CCA.

Bedded HCFs (51 and above beds) failing to obtain CCA (Consent to Establish, Operate / Renewal) shall be levied penal fees w.e.f. April 2012. HCFs less than 51 Beds shall be levied penal fees for not obtaining CCA (Consent to Establish, Operate / Renewal) w.e.f. December 2021. HCFs shall also attract other penal fees as is in force. Also, HCFs failing to obtain CCA and comply with conditions under Water (P&CP) act, 1974 & Air (P&CP) Act, 1981 and Bio Medical Waste Management rules, 2016 shall attract Environmental Compensation Charges (ECC) as applicable.


(Ashok Shingare, IAS)
Member Secretary

Copy submitted to: Hon'ble Chairman, MPCB, Sion, Mumbai - for favour of information
Copy to:

1. PSO / JD-APC / JD-WPC / RO-HQ, for information.
2. All RO, MPCB for information & Necessary Action.
3. All SRO, MPCB for information & Necessary Action
4. SO / EIC-For uploading on MPCB Website