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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

.... Respondents

Government Hospital & Ors.

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

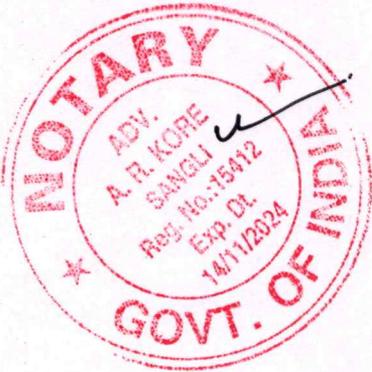
O.A. 90/2023....

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Noted & Registered
at Serial Numbers 766/2023
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Respondent No.3 vide their letter dated 27-09-2022 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 12-10-2022 and observed the non-compliances of Bio-Medical Waste Rule 2016 and the conditions of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Hazardous Waste (Management and Trans-boundary Movement) Rules 2008. Respondent No.3 had issued a warning Notice vide letter dated 14-10-2022 and Show Cause Notice by Respondent No.4 on dated 21-10-2022 on the basis of non-compliances. Copies of said notices 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 17-01-2023, 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 390 Bedded Hospital, with their corresponding authority is in progress. The copies of said correspondence 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".

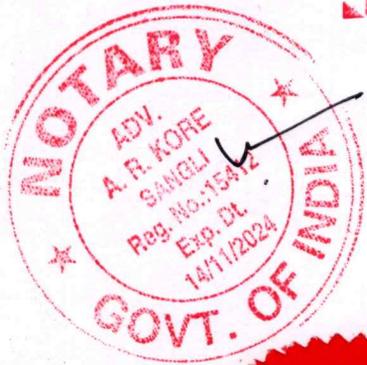
Solemnly affirmed on ¹²10 the day November 2023.

Pranavkumar 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 M. Sangli
Shri Pranavkumar Kulkarni Adv
whom personally known. ... Sangli

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



MAHARASHTRA **88** POLLUTION CONTROL BOARD

Phone 0233 - 2672032

300/2, Udyog Bhavan Building, Near
Government Rest House, Vishrambag,
Sangli-416415.

Email srosangli@mpcb.gov.in

Visit At <http://mpcb.gov.in>



No. MPCB/SROS/WN/MPCB /2022
WX/221014001.

Date:- 14/10/2022

To,
M/s. Padmabhusan Vasantdada Patil
Govt. Hospital-Sangli, Tal. Miraj,
Dist. Sangli

(Warning Notice)

Sub: - Warning Notice for violations of consent conditions and rules and regulations made under various Environmental enactments.

Ref: - 1. Authorization granted by Board vide no. MPCB/PAMS/BMW/KP-9807-12 /KP-22 /2012 dated 22/01/2013.
2. Complaint of Shri. Ravindra Kuber Walawade through Board Office.
3. Visit of Board official dtd. 12/10/2022.

The Ministry of Environment & Forests, Govt. of India in exercise of the power conferred by Section 6, 8 & 25 of the Environment (Protection) Act, 1986 has notified the Bio-Medical Waste Management Rules, 2016, for proper management and handling of the Bio-Medical Waste.

You are operating your health care establishment in 'Pollution Prevention Area' declared under Bio-Medical Waste Management Rules, 2016 as well as Water (Prevention & Control of Pollution) Act, 1974, under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under Rule 5 of the Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016

It is an obligatory on your part to obtain and comply with the conditions stipulated 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 under Rule 5 of the Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016 and Bio-Medical Waste Management Rules, 2016.

It is also an obligatory on your part to provide adequate pollution control systems and operate & maintain the same continuously and effectively so as to achieve the standards prescribed under Environment (Protection) Act, 1986 and to avoid any sort of Pollution problem in the surrounding area.

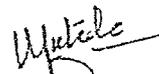
[Handwritten signature]

As this office is in receipt of complaint against your HCEs from Shri. Ravindra Kuber Walawade regarding disposal untreated effluent into municipal drain & violation of BMW Rule, 2016 which same was investigated by the Board officials on 12th October, 2022 & following non-compliances were recorded.

1. You have operating/running your Hospital without obtaining valid authorization of the Board since 28/02/2013.
2. You have obtained membership of disposal of BMW for disposal of BMW waste for 280.0 beds but running hospital 390.0 beds. Explain the same.
3. Till date you have not provided STP for domestic effluent and ETP for wastewater generated from Canteen, Pathology Lab and Laundry activities. Which same is going outside of hospital through Corporation drain.
4. You have been provided 03 Nos of bore-well for withdrawal of ground water but NOC from CGWA are not obtained.
5. You have stored Bio Medical Waste (Yellow & Red Container) only and not provided sufficient no. of bin in wards for storage of Bio Medical Waste.
6. You have not provided dedicated storage room for storage of BMW as per BMW, Rules, 2016 also the same was found in open premises. Also MSW waste is stored in room provided to BMW, which is highly objectionable.
7. You have not maintained/submitted proper records of BMW material received/delivered to authorized party/CBMWTSDF and also not submitted BMW Annual report till date.

Thus, you are not serious about the aspects of pollution control & also violating the provisions of the above said enactments by damaging the surrounding environment knowingly & willfully.

In view of the above, you are hereby instructed to submit your explanation on above observed non compliances immediately to this office. Failure of the same further legal actions may be initiated as deem fit in your case, which may be noted.


(N. S. Ayatade)
Sub-Regional Officer,
M. P. C. Board, Sagnli.

Copy submitted for information & necessary action 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: rokolhapur@yahoo.com</p>	 <p align="center">"Your Service is Our Duty"</p>	<p>Udyog Bhavan, Near Collector Office, Kolhapur - 416 003. Website:http://mpcb.mah.nic.in</p>
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MPCB/RO/KOP/BMW/SCN/2210210007

Date: 21/10/2022

To,
M/s. Padmabhusan Vasantdada Patil Govt.Hospital
A/p-Sangli, Tal-Walwa
Dist. Sangli-416416

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

Ref:- 1.Compliant received from Shri. Ravindra Kuber Walawade, Sangli,
2. Notification issued by the MOEF, GOI, New Delhi No. SO- 630(E) Dtd. 29-07-1998.
3. Directive of the Honorable High Court.
4. Visit Report dated 12.10.2022.
5. Warning Notice.
6. 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.



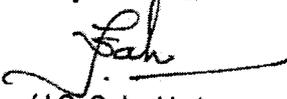
AND WHEREAS, Board Officials visited your HCE for investigating the compliance and observed following non compliances.

1. You are operating your hospital unit without obtaining valid CCA & Bio-Medical Waste (BMW) Authorization. Your earlier BMW Authorization vide dtd. 22/01/2013 which was valid up to 28/02/2013 for 388 Beds only.
2. You are operating your hospital unit with 390 beds, however the membership of Common Bio Medical Waste Treatment Storage & Disposal Facility (CBMWTSDF) is for 380 Beds.
3. You have not obtained permission from Central Ground Water Authority (CGWA) for withdrawal of ground water.
4. You have not provided Sewage treatment Plant (STP) for the treatment of domestic effluent-250.00 CMD. The untreated domestic effluent is being disposed into Corporation drain.
5. You have not provided Effluent treatment Plant (ETP) for the treatment of industrial/hospital (generated from pathology lab, Laundry & Canteen etc.) effluent-50.00 CMD. The untreated effluent is directly disposed into municipal drain without any treatment.
6. APC's to the DG is inadequate. Hospital having 03 nos of D.G. Sets capacity 12.50, 50.0 & 125.0 KVA. You have not provided adequate acoustic en-closer to D.G. Sets of 12.50 KVA & 50.0 KVA cap.
7. You have not maintained the disposal records of non-hazardous waste such as plastic, papers, Garbage etc.
8. You have not provided scientific storage facility as per BMW Rules for Bio-Medical Waste. Same is found stored on open land within premises.
9. You have not submitted BMW Annual Reports as per BMW Rule, 2016.
10. You have not submitted Bank Guarantee of Rs. 2.0 Lakhs as per previous authorization granted by the Board.
11. You have not submitted reply to the Warning Notice issued by Sub-regional officer, MPCB, Sangli.

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

NOW THEREFORE, you are hereby directed to Show Cause as to why legal action shall not be initiated against your Health Care Establishment under the provisions of the Environment (Protection) Act, 1986 for the above non-compliance.

Your reply/objection if any in this regard should reach to this office with 7 days from the date receipt of this office, failing which the Board will have no option than to initiate legal action under the above enactments against your hospital, which may be noted.


(J.S. 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/PDI 2309070002

Date: 07/09/2023.

To,
M/s. Padmabhushan Vasantdada Patil Govt. Hospital ,
Civil Hospital , Sangli
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 12/10/2022.
5. Warning Notice issued by SRO Sangli on 14/10/2022.
6. Show Cause Notice issued by this office on 21/10/2022
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.-

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 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.

