

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 114/2023(WZ)

IN THE MATTER OF: -

SUNIL PHARATE, SANGLI DISTRICT
HEAD OF SWATANTRA BHARAT
PAKSH

APPLICANT(S)

VERSUS

YASHWANTRAO MOHITE KRISHNA
SAHAKARI SAKHAR KARKHANA LTD.
& ORS

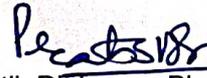
RESPONDENT(S)

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Place: Pune

Date: 28.11.2023


(Pratik Dinkarrao Bharne)
I/c Regional Director

 क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env't. Forest & Climate Change, Gov't. of India
सर्वे नं. 110, हीरबाई धनकुटे हॉल, बाणेर रोड, बाणेर, पुणे - 411045
Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 114/2023(WZ)



IN THE MATTER OF: -

SUNIL PHARATE, SANGLI
DISTRICT HEAD OF SWATANTRA
BHARAT PAKSH

APPLICANT(S)

VERSUS

YASHWANTRAO MOHITE
KRISHNA SAHAKARI SAKHAR
KARKHANA LTD. & ORS

RESPONDENT(S)

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3,
CENTRAL POLLUTION CONTROL BOARD (CPCB)

I, Pratik Dinkarrao Bharne, S/o Shri Dinkarrao Bharne, aged 50 years, working as Scientist 'E' and In-Charge: Regional Director in the Regional Directorate, Central Pollution Control Board, Pune, do hereby solemnly affirm and declare as under:

That I, in the capacity of Scientist 'E' and In-Charge: Regional Director, Regional Directorate, Central Pollution Control Board, Pune (hereinafter referred as CPCB) am fully conversant with the facts of the case and hence, competent to swear this reply affidavit on behalf of the Respondent No. 3 (CPCB).

1. That the averments made in Paras 1 to 6 are about the details of Applicant and Respondents, which are matter of records and need no comments from this Answering Respondent No.3 (CPCB).

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2. That the averments made in Para 7 are about observation made by the Applicant dated 04/08/2023 & 05/08/2023 regarding mixing of untreated trade effluent into Kole Odha/Nallah, which further meets Krishna River, due to the alleged discharge of trade effluent from Respondent no. 1 i.e. M/s Yaswantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd., (hereinafter referred as the industry). Further averments are about oral complaint made by the Applicant to the Respondent no. 5 i.e. Maharashtra Pollution Control Board (MPCB), Regional Office-Kolhapur and written complaint addressed by the Applicant to the Respondents vide email dated 08/08/2023 by supplementing with the copy of photographs, news channel video showing about the discharge of huge quantity of untreated effluent into Kole Odha/Nallah by the Respondent no. 1, the industry.

It is humbly submitted that the same are matter of record. It is further humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

It is further humbly submitted that this Answering Respondent No.3 (CPCB) vide e-mail dated 16/08/2023 has forwarded the letter of the Applicant to the MPCB, with a request to arrange to take necessary action in the said matter. Copy of the aforesaid e-mail communication dated 16/08/2023 is given at **Annexure-R3-A.**

3. That the averments made in Paras 8 to 15 are about coverage made by the local newspapers & TV news channels regarding the incidence of pollution due to mixing of trade effluent discharged by the industries located along the Krishna River and TV news channel published on 05/08/2023 regarding discharge of untreated effluent by the Respondent No. 1- The Industry into Kole Odha/Nallah. Further averments are about the Respondent No.1, who has illegally constructed by-pass line for carrying raw/partially treated spent wash, which further confluences with Kole Odha/Nallah/Nallah at Village- Kole, Tal. Walva, Dist. Sangli; several complaints being filed against the Respondent No.1; proposed directions issued by the Respondent No. 6 i.e. MPCB, Regional Office-Pune to the Respondent No. 1-Industry; correspondence communication between the Sub-Regional Office of the Respondent no.5 i.e. MPCB, Regional

Office-Kolhapur and the Applicant; joint visit conducted by the Respondent no. 5 & 6 i.e. MPCB, Regional Office-Kolhapur & Regional Office-Pune & preparation of joint inspection report; email communication dated 16/08/2023 addressed by this Answering Respondent to the MPCB, requesting to investigate & to take necessary action; no action has been taken by the MPCB against the Respondent No. 1- Industry, as on date of filing the present Original Application by the Applicant; copy of complaint addressed by the Applicant vide dated 17/08/2023 to the Respondents about the discharge of effluent into Kole Odha/Nallah by the Respondent No. 1 - Industry; and subsequent forwarding the aforesaid complaint by the Respondent no. 4 i.e. The District Collector, Sangli to the Respondent no. 5 i.e. MPCB, Regional Office-Kolhapur. The same are matter of records.

It is humbly submitted that the above averments may suitably be answered by the respective Respondents. It is further humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

It is further humbly submitted that this Answering Respondent No. 3 (CPCB) vide email communication dated 14/09/2023 has forwarded the said letter of the Applicant to the MPCB, with a request to arrange to take necessary action in the said matter. Also, reminder e-mail communication dated 20/10/2023 was sent to the MPCB with a request to arrange to take necessary action in the said matter. Copy of the aforesaid e-mail communications vide dated 14/09/2023 and 20/10/2023 are given at **Annexure-R3-B**.

4. That the averments made in Paras 16 to 20 are about the Original Application (OA) filed by the same Applicant in OA No. 69/2022 (WZ) against the Respondents including the Respondent No. 1- The Industry regarding the discharge of untreated industrial effluent into the Krishna River; constitution of Joint Committee comprising of CPCB, MPCB, Dept. of Fisheries and District Collector, Sangli by the Hon'ble NGT vide its order dated 24/08/2022. Further averments are about submission of the Joint Committee Report dated 13/11/2022 to the Hon'ble NGT in compliance to the aforesaid Hon'ble NGT order dated 24/08/2022; observations made & reported by the Joint Committee



in its report filed to the Hon'ble NGT in respect of the Respondent No. 1 - Industry; and pollution of Krishna River due to mixing of untreated effluent as a result of failure of the Respondent no. 4, 5 & 6 i.e. The District Collector, Sangli; MPCB, Regional Office-Kolhapur & Sangli. The same are matter of record.

It is humbly submitted that in OA No. 69/2022 (WZ) (Sunil Pharate, Sangli District Head of Swatantra Bharat Paksh Vs MoEF&CC & Ors) representative of the CPCB, Regional Directorate, Pune was one of the Member of the Committee constituted as per order dated 24/08/2023. Further, Joint Committee Report prepared based on the visit/inspections, monitoring and information/data collected from industry and concerned departments and Joint Committee Report filed by MPCB being Nodal Agency. Hon'ble NGT vide its order dated 01/09/2023 admitted present application (i.e. OA No. 114 of 2023 (WZ) and directed the Registry to tag the aforesaid matter along-with Original Application No.69/2022(WZ).

It is further humbly submitted that the above averments related to pollution of Krishna River due to mixing of untreated effluent as a result of failure of the Respondent no. 4, 5 & 6 i.e. The District Collector, Sangli; MPCB, Regional Office-Kolhapur & Sangli. may suitably be answered by the respective Respondent. It is further humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

5. That the averments made in Paras 21 to 24 are about the renewal of Consent To Operate (CTO) dated 14/11/2022 granted by the MPCB to the Respondent No.1- Industry & conditions stipulated by the MPCB in the CTO in respect of installation of continuous monitoring system & its connectivity to CPCB & MPCB servers and alleged non-compliances of the aforesaid conditions stipulated in the CTO dated 14/11/2022; proposed directions dated 23/05/2022 issued u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974 & 31A of the Air (Prevention & Control of Pollution) Act, 1981 by the Respondent no. 6 i.e. MPCB, Regional Office-Pune to the Respondent No. 1-Industry; alleged non-compliances by the Respondent No.1- Industry to the said proposed directions dated 23/05/2022 & interim directions dated 02/06/2022 issued by the

Respondent No. 6 i.e. MPCB, Regional Office-Pune to the Respondent No. 1 - Industry; and Respondents not taken cognizance of the complaints filed by the Applicant. The same are matter of record.

It is humbly submitted that respective State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs) issues Consent to Establish/ Consent to Operate and Authorization to the industries in the States/UTs. The concerned SPCBs/PCCs monitor the compliance of industrial emissions/effluent discharges and other operational activities according to the prescribed standards. In case of non-compliance, action against non-complying industry is taken by respective SPCBs/PCCs under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986.

It is further humbly submitted with regard to installation of Online Continuous Emission/Effluent Monitoring System (OCEMS), this Answering Respondent No. 3 (CPCB) has issued directions dated 05-02-2014, u/s 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 & the Air (Prevention & Control of Pollution) Act, 1981 directing all the SPCBs/PCCs to ensure installation of OCEMS systems in 17 category of highly polluting industries including the sugar mills, and common facilities as per the principles of self-monitoring, self-reporting and self-regulation.

Further, this Answering Respondent No. 3 (CPCB) has directed SPCBs/PCCs to issue directions for closure under section 33A of the Water (Prevention & Control of Pollution) Act, 1974 & 31A of the Air (Prevention & Control of Pollution) Act, 1981 to those industries, which had failed to install Online Continuous Emission/Effluent Monitoring System (OCEMS) and its connectivity with CPCB server. Further, SPCBs/PCCs were also directed to incorporate a specific condition in the consent order of industries & common treatment facilities (commissioned after 28/02/2017) that they shall install OCEMS and to provide connectivity to CPCB server, before start of operation. Copy of aforesaid direction is given at **Annexure-R3-C**.

It is also humbly submitted that the Respondent No.1 Industry has installed OCEMS and connected with CPCB's OCEMS data server in the name of industry i.e. M/s Yaswantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd., since 13th September 2017.

It is further humbly submitted this Answering Respondent No. 3 (CPCB) denies the allegation of Applicant that CPCB has not taken any cognizance of the complaints filed by the Applicant and reiterate its comments at Paras 2 & 3.

6. That the averments made under the heading "GROUNDS" (A to F) are about the various grounds for filing the present Original Application by the Applicant, which have already been replied in above paras of this affidavit by this Answering Respondent No. 3 (CPCB).
7. That the averments in Paras 25 to 27 are about the declarations made by the Applicant i.e. the Applicant having no other efficacious remedy to file the present application; the Applicant having not filed any other application with regards to the subject matter of the present application before the Hon'ble NGT or any other Court; and the payment of requisite Court fees by the Applicant, the same are matter of record and need no comments from this Answering Respondent No. 3 (CPCB).
8. That the averments made in Para 28 under the heading "LIMITATION" are about the limitation for filing the present Original Application, and need no comments from this Answering Respondent No. 3 (CPCB).

That in light of the above submissions, it is respectfully prayed that this Answering Respondent No. 3 i.e. CPCB shall abide by any order or directions passed by this Hon'ble Tribunal.



DEPONENT

 क्षेत्रीय निदेशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
 क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
 M/o Env't. Forest & Climate Change, Govt. of India
 सर्वे नं. ११०, हीरबाई धनकुडे हॉल, बाणेर रोड, बाणेर, पुणे - ४११०४५
 Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

VERIFICATION

Verified at Pune on this 28 day of November, 2023 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

DEPONENT – Respondent No. 3 (CPCB)

COUNSEL for Respondent No. 3 (CPCB)

केन्द्रीय निदेशक / Regional Director
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
 केन्द्रीय निदेशालय, पुणे/Regional Directorate, Pune
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
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 सर्वे नं. ११०, हीराबाई धनकुडे हॉल, बाणेर रोड, बाणेर, पुणे - 411045
 Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045



Noted & Registered

At.Sr.No...२७१२२३

BEFORE ME

MANISHA SAMEER CHITNIS
 NOTARY
 GOVERNMENT OF INDIA

28 NOV 2023



Email

CPCB, RD Pune

Fwd: Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara.

From : Public Complaints <prc.cpcb@nic.in> Wed, Aug 16, 2023 10:54 AM
Subject : Fwd: Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara. 2 attachments
To : ms@mpcb.gov.in
Cc : CPCB, RD Pune <rdpune.cpcb@nic.in>, BHARAT KUMAR SHARMA <bksharma.cpcb@nic.in>, sharmabk2001@yahoo.com, sunilpharate6@gmail.com

महोदय/महोदया

केंद्रीय प्रदूषण नियंत्रण बोर्ड में प्राप्त शिकायत को जांच एवं आवश्यक कार्रवाई हेतु अग्रसारित किया जाता है। शिकायत की जांच तथा कार्रवाई की सूचना प्रेषित करने का कष्ट करे।

सादर,

लोक शिकायत प्रकोष्ठ
 सदस्य सचिव कार्यालय
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 दिल्ली

From: "Member Secretary CPCB" <mccb.cpcb@nic.in>
To: "Public Complaints" <prc.cpcb@nic.in>
Sent: Wednesday, August 9, 2023 11:36:58 AM
Subject: Fwd: Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara.

From: "Chairman CPCB" <ccb.cpcb@nic.in>
To: "Member Secretary CPCB" <mccb.cpcb@nic.in>
Sent: Wednesday, August 9, 2023 10:44:53 AM
Subject: Fwd: Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara.

From: sunilpharate6@gmail.com

To: "psec env" <psec.env@maharashtra.gov.in>, cm@maharashtra.gov.in, cmmaharashtra@gmail.com, Devendrafadanvis@gmail.com, "Chairman CPCB" <ccb.cpcb@nic.in>, ms@mpcb.gov.in, rokolhapur@mpcb.gov.in, srosangli@mpcb.gov.in, ropune@mpcb.gov.in, srosatara@mpcb.gov.in, sanglicollector@gmail.com, collectorsatara@gmail.com, "collector satara" <collector.satara@maharashtra.gov.in>

Sent: Tuesday, August 8, 2023 7:13:52 PM

Subject: Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara.

Respected Sir/Madam,

A. That on dated 04.05.2023 and 05.08.2023 nearby Kole village, Walva Taluka, Sangli District the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. discharged huge quantity of untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River, because of this illegal discharge the entire river water quality affected, and causing serious impact on near environment and health of citizens. The problem of drinking water in nearby villages has arisen due to the discharge of untreated hazardous effluent/ spent wash by the sugar factory into the drains and river without any treatment. Due to drinking this contaminated water, the citizens and animals are also falling ill. The effect of this contaminated water is also on the surrounding nature.

B. That the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. stored huge quantity of spent wash near by Kole village by using ponds, and all this spent wash/ untreated hazardous effluents is discharged into the river through drains taking advantage of the increased water level of the river during monsoons. That the said Kole village, Walva Tauka is comes under the SRO Sangli Division and M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. is situated as Satara District now because of that both the Satara and Sangli MPCB Officer has to initiate strict action against the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. This contamination of river has to stopped, it creates adverse impact on the ecology of river.

C. This is not a first incident, regularly the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. discharged the untreated hazardous effluents/

spent wash directly into the river Krishna, earlier in the year of July 2022 the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. found guilty discharging the untreated

hazardous effluents and because of that the Maharashtra Pollution Control Board issued Proposed Direction and notices also but till date no strict action has been initiated by the Maharashtra Pollution Control Board against the said Sugar Factory. Already I have filed OA No. 69/2022 before National Green Tribunal against the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. and other factories.

D. The citizens has already filed complaint against this incident but till date no action has been initiated by the Government Authorities. Also the local news paper and news channel has published the said news along with video and photographs.

E. Requesting you kindly initiate strict legal action against M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. under the Provision of the Environmental Protection Act 1986 & The Water Act 1974, and The Air Act 1981 and issue Environment Compensation Notice.

Complainant

**Mr. Sunil Pharate,
Sangli District Head,
Swatantra Bharat Paksha, Sangli**

Note: Copy of complaint is attached herewith for your further action and ABP MAZA News Channel news video dated 05.08.2023 is attached herewith for your reference. Youtube Link <https://www.youtube.com/watch?v=G2i1W8vZEg>

Complaint - Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. - 08.08.2023.pdf
1 MB

ABP MAZA NEWS - Sangli Krishana River _ साखर कारखान्यातील मळमिश्रीत सांडपाणी कृष्णा नदीत, स्थानिक संतप्त.mp4
13 MB

Email

CPCB, RD Pune

Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara.

From : CPCB, RD Pune <rdpune.cpcb@gov.in>	Fri, Oct 20, 2023 11:54 AM
Subject : Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara.	4 attachments
To : rokolhapur@mpcb.gov.in, srosangli@mpcb.gov.in	
Cc : ms@mpcb.gov.in, Pratik Bharne <pratik.cpcb@gov.in>, Public Complaints <prc.cpcb@nic.in>, sunilpharate6@gmail.com	

महोदय,

इसमें श्री सुनील फराटे (जिला- सांगली, महाराष्ट्र) से प्राप्त लोक शिकायत का संदर्भ है, जिसमें उन्होंने मेसर्स यशवंतराव मोहिते कृष्णा सहकारी सखार कारखाना लिमिटेड शिवनगर, रेठारे (बीके), ताल-कराड, जिला-सतारा का संदर्भ दिया है, जो अनुपचारित खतरनाक अपशिष्टों का निर्वहन करके उसे सीधे नाले में प्रवाहित करते हैं जो अंततः कृष्णा नदी में मिल जाते हैं, जो स्व-व्याख्यात्मक है।

This has reference to Public Grievance received from Sh. Sunil Pharate (District- Sangli, Maharashtra), regarding M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara, by discharging untreated hazardous effluents and spent wash directly into the nalla which eventually mix with Krishna River, which is self-explanatory.

उपरोक्त के संदर्भ में, ईमेल दिनांक 14.09.2023 के माध्यम से कें.प्र.नि.बो., क्षेत्रीय निदेशालय-पुणे ने शिकायतकर्ता से प्राप्त अभ्यावेदन के संबंध में आवश्यक कार्रवाई करने की व्यवस्था करने का अनुरोध किया था। हालाँकि, इस संबंध में एटीआर का अभी भी इंतजार है।

With reference to above, vide email dated 14.09.2023 CPCB, RD-Pune requested to arrange to take necessary action w.r.t representation received from the complainant. However, ATR in this regard is still awaited.

इस संबंध में, एक बार फिर से आवश्यक कार्रवाई करने की व्यवस्था करने का अनुरोध किया जाता है और जल्द से जल्द कार्रवाई रिपोर्ट की प्रति कृपया शिकायतकर्ता के साथ इस कार्यालय को भी भेजी जाए। In this regard, it is once again requested to arrange to take necessary action and action taken report may please be forwarded to the complainant along with a copy to this office, at the earliest.

धन्यवाद,
केंद्रीय प्रदूषण नियंत्रण बोर्ड
क्षेत्रीय निदेशालय, पुणे
020-29912773



LiFE
Lifestyle for
Environment



संयुक्त राष्ट्र संघ
संयुक्त राष्ट्र संघ

ONE EARTH • ONE FAMILY • ONE FUTURE

From: "CPCB, RD Pune" <rdpune.cpcb@gov.in>

To: "ms" <ms@mpcb.gov.in>

Cc: "rokolhapur" <rokolhapur@mpcb.gov.in>, "srosangli" <srosangli@mpcb.gov.in>, "Pratik Bharne" <pratik.cpcb@gov.in>, "Public Complaints" <prc.cpcb@nic.in>

Sent: Thursday, September 14, 2023 2:01:57 PM

Subject: Fwd: Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara.

महोदय,

यह अनुगामी ईमेल दिनांक 17.08.2023, श्री. सुनील फराटे (ज़िला- सांगली, महाराष्ट्र) से प्राप्त हुआ जनशिकायत के संबंध में है, जिसमें मैसर्स यशवंतराव मोहिते कृष्णा सहकारी सखार कारखाना लिमिटेड शिवनगर, रेठारे (बीके), ताल-कराड, जिला-सतारा, द्वारा अनुपचारित खतरनाक अपशिष्टों का निर्वहन करने और नालों में सीधे धुलाई करने का संदर्भ है, जो अंततः कृष्णा नदी में मिल जाता है, जो स्व-व्याख्यात्मक है।

This has reference to trailing email dated 17.08.2023 w.r.t representation received from Sh. Sunil Pharate (District- Sangli, Maharashtra), regarding M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Shivnagar, Rethare (BK), Tal- Karad, Dist.- Satara, by discharging untreated hazardous effluents and spent wash directly into the nalla which eventually mix with Krishna River, which is self-explanatory.

इस संबंध में, एक बार फिर से आवश्यक कार्रवाई करने की व्यवस्था करने का अनुरोध किया जाता है और जल्द से जल्द कार्रवाई रिपोर्ट की प्रति कृपया शिकायतकर्ता के साथ इस कार्यालय को भी भेजी जाए।

In this regard, it is once again requested to arrange to take necessary action and action taken report may please be forwarded to the complainant along with a copy to this office, at the earliest.

धन्यवाद,

केंद्रीय प्रदूषण नियंत्रण बोर्ड
क्षेत्रीय निदेशालय, पुणे



LiFE
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Environment



संयुक्त राष्ट्र संघ
संयुक्त राष्ट्र संघ

ONE EARTH • ONE FAMILY • ONE FUTURE

From: sunilpharate6@gmail.com

To: "Public Complaints" <prc.cpcb@nic.in>, "CPCB, RD Pune" <rdpune.cpcb@nic.in>, ms@mpcb.gov.in, rokolhapur@mpcb.gov.in, srosangli@mpcb.gov.in, ropune@mpcb.gov.in, srosatara@mpcb.gov.in, "collector satara" <collector.satara@maharashtra.gov.in>, sanglicollector@gmail.com

Sent: Thursday, August 17, 2023 2:21:13 PM

Subject: Re: Discharging untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River by the M/s. Yashwantrao Mohite

Krishna Sahakari Sakhar Karkhana Ltd. Shivanagar, Rethare (BK), Tal- Karad, Dist.- Satara.

Respected Sir/Madam,

A. That on dated 04.05.2023 and 05.08.2023 nearby Kole village, Walva Taluka, Sangli District the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. discharged huge quantity of untreated hazardous effluents, spent wash directly into the natural nalla and eventually mixed with Krishna River, because of this illegal discharge the entire river water quality affected, and causing serious impact on near environment and health of citizens. The problem of drinking water in nearby villages has arisen due to the discharge of untreated hazardous effluent/ spent wash by the sugar factory into the drains and river without any treatment. Due to drinking this contaminated water, the citizens and animals are also falling ill. The effect of this contaminated water is also on the surrounding nature. Already we have filed complaint through email on dated 08.08.2023 but till date we have not received any action from SRO MPCB Satara and RO MPCB Pune, already before the Hon'ble National Green Tribunal OA No. 69/2022 was filed against the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. for such similar incident and said case is pending before the Hon'ble NGT, inspite of that the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd., again and again, discharges hazardous effluents directly into the River Krishna.

B. That the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. stored huge quantity of spent wash near by Kole village by using ponds, and all this spent wash/ untreated hazardous effluents is discharged into the river through drains taking advantage of the increased water level of the river during monsoons. That the said Kole village, Walva Tauka is comes under the SRO Sangli Division and M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. is situated as Satara District now because of that both the Satara and Sangli MPCB Officer has to initiate strict action against the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. This contamination of river has to stopped, it creates adverse impact on the ecology of river.

C. This is not a first incident, regularly the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. discharged the untreated hazardous effluents/

spent wash directly into the river Krishna, earlier in the year of July 2022 the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. found guilty discharging the untreated

hazardous effluents and because of that the Maharashtra Pollution Control Board issued Proposed Direction and notices also but till date no strict action has been initiated by the Maharashtra Pollution Control Board against the said Sugar Factory. Already I have filed OA No. 69/2022 before National Green Tribunal against the M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. and other factories.

D. The citizens has already filed complaint against this incident but till date no action has been initiated by the Government Authorities. Also the local news paper and news channel has published the said news along with video and photographs.

E. Requesting you kindly initiate strict legal action against M/s. Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. under the Provision of the Environmental Protection Act 1986 & The Water Act 1974, and The Air Act 1981 and issue Environment Compensation Notice.



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B-29016/04/06/IPC-VI/

SPEED POST

April 23, 2018

To

1266-300
The Chairman
All SPCBs/PCCs (as per list enclosed)

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 AND THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES, CETPs AND COMMON HAZRDOUS WASTE & BIOMEDICAL WASTE INCINERATORS- REGARDING SELF MONITORING OF COMPLIANCE

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, the SPCBs and PCCs are required to ensure installation and regular operation of the requisite pollution control facilities in the polluting industries; and

WHEREAS, there is need to inculcate habit of self monitoring mechanism within the industries for complying the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, for strengthening the monitoring and compliance through self regulatory mechanism ,online source and effluent monitoring systems need to be installed and operated by the industries on 'polluter pays principle' ;and

WHEREAS ,it is becoming a need and necessity to regulate and minimize inspection of industries on routine basis and instead efforts need to be made to bring self discipline in the industries to exercise self monitoring & compliance and transmit data of effluent and emission compliance to SPCBs/PCCs and to CPCB on continuous basis; and

WHEREAS, online monitoring devices are essential for improving compliance as the conventional monitoring systems not able to capture violations on regular basis; and

WHEREAS, directions u/s 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and u/s 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all the SPCBs/PCCs on March 2, 2015 for further directing 17 categories of industries and common treatment facilities for installation of on line continuous effluent / emission monitoring system by 30.6.2015; and

WHEREAS, it was observed that despite of efforts made by the SPCBs/PCCs in their States for installation of online monitoring system, it had not yielded desired results and till June 30, 2015, most of the industries were not transmitting online data to the CPCB server; and

WHEREAS, a notice u/s 5 of the E(P) Act, 1986 was issued to all the 17 category of highly polluting industries during July - August, 2015 by the CPCB for installation of online monitoring system and provide connectivity with CPCB server; and

WHEREAS, CPCB website <http://cpcb.nic.in/Online-Monitoring-Industrial-Emission-Effluent/> contains all the details related to on line monitoring system like parameters to be monitored, data submission procedure, guidelines, FAQ etc. which may be referred; and

WHEREAS, CPCB persuaded the matter of installation of OCEMS with those industries whose details were available with CPCB; and

WHEREAS, new industries (under 17 category of industries) and common treatment facilities are also being established in States/UTs and likely to discharge environmental pollutants directly or indirectly into the ambient air and water, which may pose threat to cause adverse effect on the water and air quality ; and

Now, therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 and keeping in view strengthening of the monitoring mechanism for effective compliance through self regulatory mechanism, you are directed to ensure the following:

- a. SPCBs/PCCs shall issue the closure direction u/s 33A of the Water (Prevention & Control of Pollution) Act, 1974, and 31A of the Air (Prevention & Control of Pollution) Act, 1981 to existing industries falling under 17 category of industries and common treatment facilities, commissioned on or before 28.2.2017 (with whom CPCB has not made any prior communication regarding installation of OCEMS), if found operating without installation and connectivity of online continuous effluent / emission monitoring system (OCEMS).
- b. SPCBs/PCCs shall incorporate a specific condition in the Consent Order (CTO) of a newly established industry falling under 17 category of industries and common treatment facilities, commissioned after 28.2.2017 that they shall install online continuous effluent / emission

monitoring system (OCEMS) and connect with CPCB server before start of operation;

The SPCB shall establish its own monitoring mechanism and ensure timely corrective actions. The action taken report shall be submitted to the Central Pollution Control Board within 15 days from the date of receipt of these directions.

(S. P. Singh Parihar)
Chairman

Copy to:

1. The Advisor(CP Division)
Ministry of Environment & Forests
Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi - 110 003
2. I/C IPCI-I,II,III, IV, VII and WM-I, II, CPCB
3. All Regional Directors, CPCB
- ✓ 4. I/c IT Division, CPCB


(A. Sudhakar)
Member Secretary

