



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

ORIGINAL APPLICATION NO. 85/2022 (WZ)

IN THE MATTER OF: -

SACHIN SUDAMRAO PACHPUTE

APPLICANT

VERSUS

SHAHAKAR MAHARSHI SHIVAJIRAO
NARAYANRAO NAGAWADE SSK LTD
(SUGAR UNIT) & ORS.

RESPONDENT(S)

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

I, Bharat Kumar Sharma, S/o Shri. D.P Vishwakarma, aged 49 years, working as Scientist 'F' and 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 'F' of the Central Pollution Control Board (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.

1. That the averments made in Paras 1 to 4 are about details of Applicant who observed environmental damage in the Ghod River at Kashti, details of Respondent No. 1 and discharging effluent without treating through the Effluent Treatment Plant (ETP). The details and responsibilities of Respondent No. 2 i.e. Maharashtra Pollution Control Board (MPCB), Respondent No. 3 i.e. CPCB and Respondent No.4 i.e. District Collector, which are matter of records and hence needs no comments from this Answering Respondent No. 3.
2. That the averments made in Paras 5 to 8 are about consent to renewal granted on 23/12/2021 by Respondent No. 2 i.e. MPCB to the Respondent No. 1 sugar factory, which was valid upto 31/07/2022 by imposing certain conditions & directions. Further averments are about the operation of Respondent No. 1 sugar factory without following guidelines issued by

Respondent No. 2 (MPCB), complaints made by the Applicant, farmers regarding the pollution of the factory to Respondent No. 2 (MPCB), inspection carried-out by Respondent no. 2 (MPCB) for verification of compliance of consent condition and grievances and two letters issued by Respondent No. 2 (MPCB) to the Respondent No.1 regarding various observed non-compliances. These averments pertains to Respondent No.2 and hence no comments from this Answering Respondent.

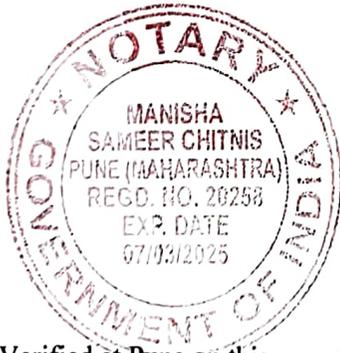
It is humbly submitted that the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) issue Consent to Establish / Consent to Operate and Authorization to the industries in the States/UTs. SPCBs/PCCs monitor the compliance of industrial emissions/effluent discharges and other operational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

3. That the averments made in Para 9 to 13 are about the incidence of blast of molasses tank in the premises of Respondent No.1 on 10/02/2022, site visit and report dated 10/02/2022 made by Respondent No. 2 (MPCB), another visit made by Respondent No. 2 (MPCB) w.r.t. public grievances and non-compliances observed w.r.t. consent conditions and subsequent issuance of notice to the respondent sugar factory and directing for stoppage of operation of sugar unit and reported non-compliance of directions issued by Respondent No. 2 (MPCB). The same are matter of records and hence need no comments from this Answering Respondent No. 3.
4. That the averments made in Para 14 to 28 are about the inspection report dated 28/03/2022 carried-out by Respondent No. 2 (MPCB) w.r.t. public grievance addressed by the applicant & farmers, analysis report of water samples of Ghod River dated 26/04/2022 by Respondent No. 2, analysis report of water samples of Ghod River dated 11/04/2022 by District Public Health Laboratory, Ahmednagar, and inspection dated 28/04/2022 carried-out by Respondent No. 2 w.r.t. public grievance addressed by the applicant. Further averments are about various photographs and clippings of newspapers annexed by the applicant highlighting various instances of discharge of effluent by respondent sugar factory into recipient environment, Respondent No. 2 (MPCB) not taking proper action against the respondent sugar factory, continued discharge of untreated effluent into surrounding areas and Ghod River and alleged damages to agricultural crops and health of people. These averments are also about farmers demanding strict action and compensation. The same are matter of records and hence need no comments from this Answering Respondent No. 3. It is humbly submitted that in case of non-compliances, action against the industry may be taken by the respective SPCB under provisions of Water Act, 1974, Air Act, 1981 and Environment (Protection) Act, 1986 respectively.



5. That the averments made in Para 29 are about the order passed by the Hon'ble Tribunal in Appeal no. 106/2017 with O.A No. 70/2017, which are matter of records and hence need no comments from this Answering Respondent.
6. That the averments made in Para 30 to 32 are about various submissions by the Applicant highlighting various pollution issues persisting in the Ghod River and requirement of scientific study and filing of the present application based on the facts & conditions quoted by the applicant in the present O.A which have already been mentioned/commented in above paras of this affidavit by this Answering Respondent and no further comments by this Answering Respondent No. 3.
7. That the averments made under the heading "Grounds" (A to R) are the various grounds for filing the present original application by the Applicant, which have already been mentioned/commented in above paras of this affidavit by this Answering Respondent and need no further comments by this Answering Respondent No. 3.
8. That the averments made under the heading Limitation are about the limitations for filing the present original application by the Applicant, and hence need no comments from this Answering Respondent No. 3.

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

VERIFICATION

Verified at Pune on this day of February, 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.

भरत कुमार शर्मा/Bharat Kumar Sharma
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, Govt. of India
घाउस नंबर-1, संजीवनी निसर्ग, बालेवाड़ी, पुणे-411045
House No.-1, Sanjivani Nisarg, Balewadi, Pune-411045

COUNSEL for Respondent No. 3


DEPONENT – Respondent No. 3

ATTESTED


MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA
J 3 FEB 2023