

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
WESTERN ZONE, PUNE
Original Application No. 17/2025 (WZ)**

Jayawant Jotiba Patil & Anr.

...Appellants

Versus

Lalchand Tobacco Products & Ors.

.....Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 4
MAHARASHTRA POLLUTION CONTROL BOARD**

I, Nikhil N. Gharat, aged about 39 years, Occupation – Service, presently working as Regional Officer, Maharashtra Pollution Control Board, Kolhapur, having my office at MPCB, Udyog Bhavan Building, Near Collectorate Office, Kolhapur – 416002, do hereby solemnly affirm and state as under:-

1. That I am the Regional Officer of the Maharashtra Pollution Control Board (hereinafter referred to as "the Board") at Kolhapur and am duly authorized and competent to file this reply affidavit on behalf of Respondent No. 4.
2. I have gone through the order dated 25.03.2025 passed by this Hon'ble Tribunal and in compliance with the said order, I am filing the present affidavit.
3. I state and submit that the Board received a complaint against M/s. Lalchand Tobacco Products, and accordingly, the Board officials visited the said industry on 11.08.2023 for inspection. During the said visit, it was observed that the industry was operating without



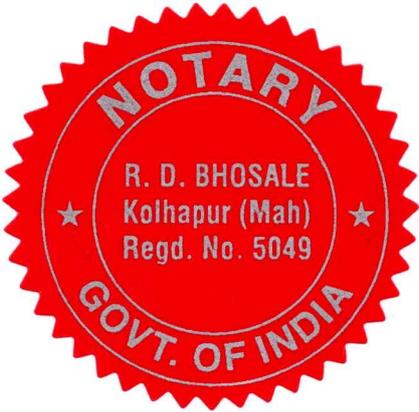
obtaining valid Consent to Operate from the Board and was using plastic material for packaging of tobacco products, which is in violation of the applicable environmental regulations.

4. Based on the violations observed, the Board issued a Proposed Direction dated 31.08.2023 to the said industry. A copy of the inspection report and the Proposed Direction is collectively annexed herewith and marked as **Annexure – I.**
5. I further state and submit that the Board officials again visited the said industry on 28.05.2025, and it was observed that the industry failed to comply with the earlier Proposed Direction and continued operations without obtaining requisite consent from the Board.
6. Considering the continued non-compliance and unauthorized operation, the Board has issued a Closure Direction dated 05.06.2025 to the Respondent industry. A copy of the said inspection report and the Closure Direction is collectively annexed herewith and marked as **Annexure – II.**
7. With respect to the requirement of Environmental Damage Compensation (EDC) as per CPCB Guidelines, it is submitted that the unauthorized operation of the unit without consent may attract liability under the 'Polluter Pays Principle', and the matter of EDC assessment and imposition, if any, shall be dealt with as per the guidelines issued by CPCB and the Board's enforcement policy.



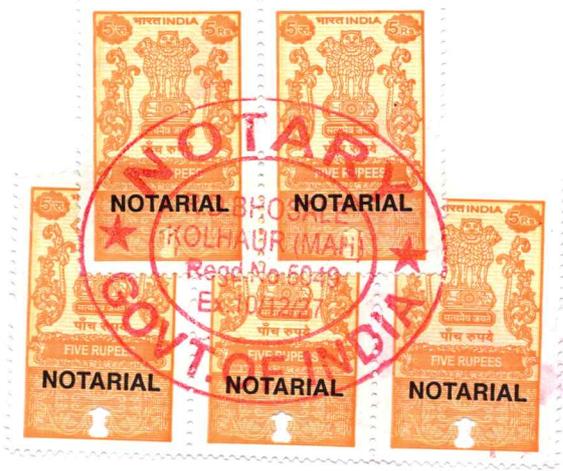
Solemnly affirmed on this 10th day of June 2025 at Kolhapur

For & on behalf respondent No. 4
Maharashtra Pollution Control Board



Nikhil N. Gharat

(Nikhil N. Gharat)
Regional Officer- MPCB, Kolhapur



Notary/Sr./No.- 9089/2024
Solemnly affirm & Signed / L. H. T. I. Before me by निकिल निकळ घरात
& State that the contents of the Affidavit are true and correct. Who is identified by पुश्वीपाटील
[Signature]
Adv. R. D. Bhosale
Notary Public (Govt. of India)
Dist. Kolhapur.
10 JUN 2025

MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, KOLHAPUR.

Tel. No. (0231) 2652952, 2660448
Fax No. (0231) 2652952.
Email: srokolhapur@mpcb.gov.in



Udyog Bhavan,
Near Collector
Office, Kolhapur.
416 003.

Date: 11/08/2023

VISIT REPORT

- 1) Name of Industry and address :- M/s. Lalchand Tobacco products
Galli No. 8 Jaysing pur
Tal. Shirol Dist. Kolhapur.
- 2) Date of Visit :- 11/08/2023
Visited By :- Harbad S.J (FO)
- 3) Industry Representative :- Mr. Rajendra Chagan Lal Choudhary
9422620559
- 4) Consent Status :- Not obtained at Galli No. 8
dtctobacco1@gmail.com
- 5) Observations :- visited the unit as complaint
received from shri. Jaywant Jotiba
Patil & shri. Sandeep Sadashiv Dindbe.
i) During inspection it is observed that
M/s Lalchand Tobacco products is
engaged in packaging of Tobacco
ii) During inspection it is observed
that Industry using plastic laminated
paper pouch for packaging of 8 gram
Tobacco & Plastic pouch for outer
packing of 50 Pouches with Brand
Name of Dabble Hatti.
iii) The waste plastic generated during
packaging is used as fuel to
Boiler at own factor located in
l.k. M/s. Anhanant process located
in L.K. Akivate estate after
shredding.

Industry Representative

Officer MPC Board, Kolhapur

- i) ~~Raw~~ Industry purchasing plastic material from Ahmedabad.
- ii) Industry has not obtained plastic registration as well as EPR.

Behav
Rajesh C. Chaudhary

Warbad

Charbad S-J

FO - MPCB

Kolhapur.

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

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

"Your Service is Our Duty"

No. MPCB/RO/KOP/PD/ 2308310003

Date: 31/08/2023.

To,
M/s. Lalchand Tobacco Products.
235, 8th Lane Azad Road, A/P;- Jaysingpur 416101,
Tal. Shirol Dist. Kolhapur

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. Consent granted by the Board.
2. SCN for Closure Directions issued on 06/01/2023
3. Complaint received from shri. Jaywant Jotiba Patil & Shri. Sandeep Sadashiv Dinde on 22.06.2023
4. Visit of Board officials on 11/08/2023.
5. Proposal submitted by SRO Kolhapur

WHEREAS, you are operating your unit 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, Board Officials visited your unit on 11/08/2023 for Investigation of Complaint & to check compliance as per consent condition & observations made as:-

1. During Visit it is observed that M/s. Lalchand Tobacco products is engaged in packaging of Tobacco, without obtaining Valid consent to operate from MPC Board.
2. During visit it is observed that industry using plastic laminated paper pouch for packaging of 8 gram Tobacco & plastic pouch for outer packing of 50 pouches with Brand name of dabble Hatti. .
3. During visit it is observed, that the waste plastic generated during packaging is used as fuel to boiler at own factor located in M/s. Arihant process located in L.K.Akiwate estate after shredding.
4. You have not obtained plastic registration as well as EPR from Competent authority.

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.

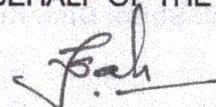
2.

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).

- I) Why your industry shall not be closed down forthwith?
- II) Why competent authorities shall not be directed to disconnect your water/electricity supply till you comply with the provisions of the said Acts?

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 (Air Pollution Control) Mumbai.

Copy to:

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

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

MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, KOLHAPUR.

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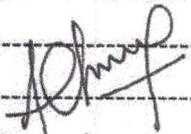
Date: 28/05/2025

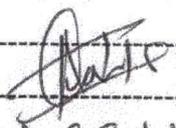
VISIT REPORT

- 1) Name of Industry :- Mrs. Lalchand Tobacco Products
and address :- 225, 2nd lane, Azad Road
Jyeshingpur, Dist. Kolhapur
- 2) Date of Visit :- 28/05/2025
Visited By :- A. R. Babi G.O.
- 3) Industry Representative :- Anil chandhars
Representative
- 4) Consent Status :- Not having consent
- 5) Observations :-

Visited to said unit regarding Notice of Humble
NAT in matter 17/2025 W2 and made following
Observation.

1. At the time of visit unit was found in operation & engaged in Tobacco packaging
2. They have installed two packing machines, one is not operatable & one is in operation
3. They are having plastic laminated paper to roll & packing the tobacco in pouches having weight of 8g of tobacco
4. Then they pack these 50 pouches in one printed plastic pouch/bag, then they pack this plastic bag of 36 nos in over plastic big sack and as per representative they produce average 10 big sacks daily.
5. They sale these tobacco pouches in the Brand name of "Diante Hatti".


Anil chandhars.
Representative


A.R. Babi
G.O.

MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.

<p>Tel. No. (0231) 2652952, 2660448 Fax No. (0231) 2652952. E-mail: rokolhapur@mpcb.gov.in</p>	 <p>“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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No. MPCB/RO/KOP/CD/250605-FTS-0158

Date: 05/06/2025

To,
M/s. Lalchand Tobacco Products,
235,8th Lane, Azad Road, Jaysingpur,
Tal. Shirol, Dist. Kolhapur.

Sub: Closure Direction u/s 33A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 and under the Hazardous Waste (M & TM) Rules, 2016 as amended.

- Ref: 1. Complaint received from Shri Jaywant Jotiba Patil & Shri Sandeep Sadashiv Dinde.
2. Show Cause Notice for Closure Direction issued on 06.01.2023.
3. Proposed Directions issued on 31.08.2023.
4. Hon'ble NGT has passed order in the matter of NGT Original Application No. 17/2025 (WZ) filed by Jayawant Jotiba Patil & Ors. Vs. Lalchand Tobacco Products & Ors. on 25.03.2025.
5. Visit of Board Officials 28.05.2025.
6. Legal proposal submitted by SRO Kolhapur vide MPCB-LEGAL_ACTIONS-180823009 on 04.06.2025.

.....
AND WHEREAS, it is obligatory on your part to obtain Consent to Establish and Consent to Operate from the Maharashtra Pollution Control Board under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 & Authorization under the provisions of Hazardous and Other Wastes (Management and Trans-boundary Movement) Rules, 2016. It is also obligatory on your part to provide adequate pollution control devices.

AND WHEREAS, the Board has received complaint regarding pollution problem due to operation of your industry vide above reference at 1. **AND WHEREAS**, Hon'ble NGT has passed order in the matter of NGT Original Application No. 17/2025 (WZ) filed by Jayawant Jotiba Patil & Ors. Vs. Lalchand Tobacco Products & Ors. vide above reference at 4.

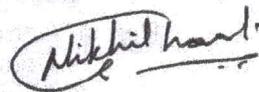
AND WHEREAS, in order to verify the compliance of Proposed Directions, the Officials of the Board at Kolhapur visited the site in question and observed as follow:-

1. The unit is in operation without obtained consent from Maharashtra Pollution Control Board since long duration.
2. The industry has not complied with Show Cause Notice for Closure Direction & Proposed Directions issued by the Board.

AND WHEREAS, the Maharashtra Pollution Control Board has issued Show Cause Notice for Closure Direction on 06.01.2023 & Proposed Directions on 28.11.2024 & you have failed to comply with the same till the date.

AND WHEREAS, in spite of giving reasonable opportunity, you have failed to obtain consent from the Board & also failed to provide adequate pollution control devices thereby causing pollution problem into the environment, affecting health of citizens.

NOW THEREFORE, in view of above non-compliances, you are hereby directed to stop your manufacturing activities forthwith, failing which, the Board will have no option than to initiate appropriate legal action under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.



(Nikhil N. Gharat)
Regional Officer, Kolhapur

Copy submitted for information to: The Member Secretary, MPCB, Mumbai.

Copy submitted to: The Joint Director (APC), MPCB, Mumbai.

Copy f.w.cs.to: Law Officer (P & L Division), MPCB, Mumbai.

Copy f.w.cs.to:

1. The Executive Engineer/Additional Engineer, MSEDCL, Shirol Division, Tal. Shirol, Dist. Kolhapur.- He is directed to disconnect electricity supply to the aforesaid unit forthwith & inform this office accordingly.
2. The Chief Officer, Jaysingpur Municipal Council, A/p-Jaysingpur, Tal. Shirol, Dist. Kolhapur - He is directed to disconnect water supply to the aforesaid unit forthwith & inform this office accordingly.

Copy to: Sub-Regional Officer, M.P.C. Board, Kolhapur. - He is directed to take follow up & ensure the compliance of the aforesaid directions. He is directed to ensure that these directions to be served to the industry and the competent authorities & submit the compliance verification report.