

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

EXECUTION APPLICATION NO. 10 OF 2022 (WZ)

IN

ORIGINAL APPLICATION NO. 69 OF 2021 (WZ)

Mahendra Govind Hasbnis

....Applicant

Versus

Cikautxo India Pvt. Ltd. & Ors.

....Respondent(s)

**Reply-Affidavit on behalf of Maharashtra Pollution Control
Board i.e. Respondent No. 9 & 10.**

I, Nitin Shinde, Age – 56 years, Occupation – Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Pune – II i.e. Respondent No. 9 & 10, having my office at 2nd Floor, Jog Center, Wakdewadi, Pune – 411 003 do hereby state on solemn affirmation as under –

- 1) I say and submit that the applicant has filed the Original Application no. 69/2021 against Respondent No. 1 i.e. M/s Cikautxo Ind. Pvt. Ltd., at Talegaon Dabhade, Tal. Maval, Pune against violation of environmental norms. This Hon'ble Tribunal vide Order dated 17/1/2022 disposed of the said Original



Application and the Applicant has now filed this Execution Application in the said Original Application.

2) I say and submit that in compliance of the Order dated 17/1/2022; MPC Board vide letter dated 11/2/2022 directed Respondent No. 1 industry to submit payment of Interim Compensation of Rs. 5 lakhs. Accordingly, Respondent no. 1 Industry deposited a Cheque of Rs. 5 Lakhs dated 21/2/2022 bearing Cheque no. '003925' to the MPC Board towards Interim Compensation in compliance of the direction of the Hon'ble Tribunal, Rs. 2 Lakhs out of these 5 Lakhs have been paid to the Applicant towards Interim Compensation by the MPC Board vide Cheque dated 1/6/2022 bearing Cheque No. '531199'. A letter issued by MPCB dated 11/2/2022, the Cheque of Rs. 5 Lakhs deposited by the Respondent No. 1 Industry and a copy of receipt of Rs. 2 Lakhs signed by the Applicant are collectively attached and annexed herewith as an **Annexure – I**.

3) I say and submit that in compliance of the Order dated 17/1/2022, the MPC Board has assessed environment compensation against the Respondent No. 1 Industry as below –



➤ Formula for assessment of Environment Compensation –

As per methodology of CPCB confirmed by Hon'ble NGT in

O.A. 593/2017 Paryavaran Suraksha Samiti vs. UoI & ors.

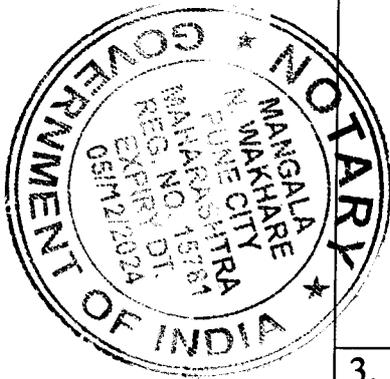
dated 28/8/2019 -

$$EC (Rs.) = PI \times N \times R \times S \times LF$$

The Respondent Industry falls in Orange category.

➤ Therefore, Environment Compensation has been assessed as below –

1.	PI	Pollution Index of Industrial sector (Consent Categorisation)	50
2.	N	Date of Proposed direction issued by MPCB	26/11/2019
		Compliance by Res. Industry verified by MPC Board Officials	25/5/2021
		Total Number of days of violation	547
3.	R	A factor in Rupees	250
4.	S	Scale of Operations (LSI = 1.5)	1.5
5.	LF	Location Factor (Population in million – Less than 1 = 1, Less than 5 = 1.25 5 to less than 10 = 1.5 10 & above = 2)	1
	Environment Compensation	EC = PI x N x R x S x LF	1,02,56,250/-



6) Hence, the Execution Application filed by the Applicant may kindly be dismissed.

Solemnly affirmed on this ...^{9th}... day of February, 2023 at Pune.

I know the affiant.

For and on behalf of Maharashtra Pollution Control Board i.e. Respondent No. 9 & 10

ADVOCATE

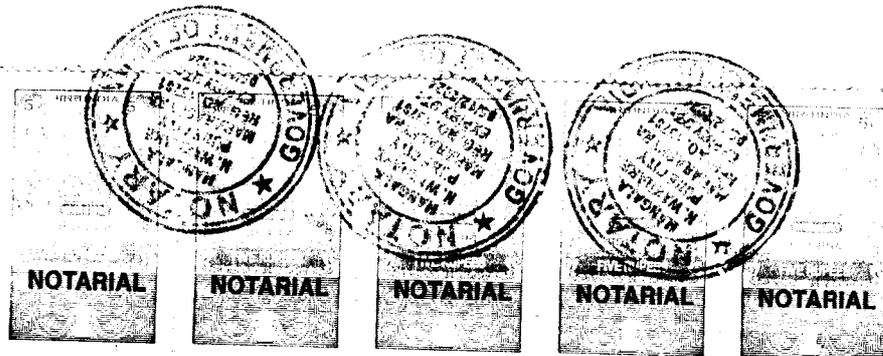
Nitin Shinde
(Nitin Shinde) 07/II/23
Sub-Regional Officer,
MPCB Pune II



BEFORE ME

Mangala N. Wakhare
MANGALA N. WAKHARE
ADVOCATE & NOTARY
GOVERNMENT OF INDIA

07 FEB 2023



**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE - PUNE**

Phone No. 020-25816451
Fax No. 020-25811701
e-mail : ropune@mpcb.gov.in



Jog Centre, 3rd Floor,
Wakdewadi,
Old Pune Mumbai Road,
Pune- 411003

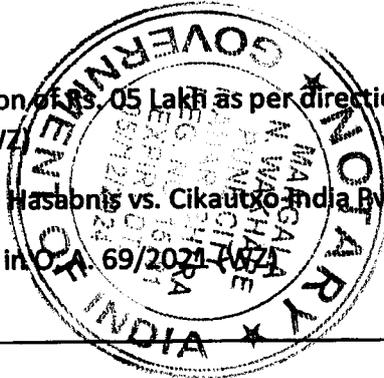
MPCB/ROPI/ 220211-FTS-0152

Date : 11/02/2022.

To
M/s Cikautxo Ind. Pvt. Ltd.,
Sr. No. 662, Mumbai – Pune Road,
Talegaon Dabhade, Tal. Maval,
Dist. Pune.

Sub. :- Payment of Interim Compensation of Rs. 05 Lakh as per direction of
Hon'ble NGT in O. A. 69/2021 (WZ)

Ref. :- 1) O. A. 69/2021 (WZ) Mahendra Hasabnis vs. Cikautxo India Pvt. Ltd.
2) NGT Order dated 17/01/2022 in O. A. 69/2021 (WZ)



Mr. Mahendra Hasabnis had filed a case against you vide Original Application 69/2021 before Hon'ble NGT, Pune. Hon'ble NGT vide order dated 17/01/2022 disposed of the said matter and directed M.P.C.B to assess the compensation for the damage to the environment caused due to Air Pollution.

Hon'ble NGT vide order dated 17/01/2022 has directed that –

“We direct the State PCB to make a realistic assessment of compensation for the damage to the environment and also the PP by loss of cattle, mangroves or otherwise due to air pollution being found in his premises, as noted above, after giving opportunity of being heard to the PP. The State PCB may also need consider restoration measures for the past violations

Received
15/2/22

and remedial action to prevent violation of environmental norms in future. State PCB may complete its action preferably within three months. We further direct that pending consideration by the State PCB, the PP may deposit interim compensation of Rs. 5 lakhs. If the deposit is not made, the State PCB may take coercive measure including, closure till payment. The payment will abide by further orders of the State PCB. Out of the amount deposited, an amount of Rs. 2 lakhs be paid to the applicant towards interim compensation by way of cheque or by way of credit to his account, if the applicant provides his bank account number. The payment of Rs. 2 lakhs will not debar the applicant from claiming higher amount if such a claim can be substantiated, which aspect may be considered by the State PCB."

In compliance of an Order passed by Hon'ble NGT on 17/01/2022 -

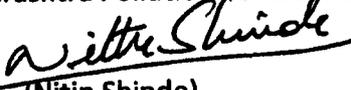
You are hereby directed to deposit Rs. 05,00,000/- (Rs. Five Lakh) only, in the name of Maharashtra Pollution Control Board, Mumbai, within a period of 07 days from the date of receipt of these directions as Interim compensation towards the damages caused to environment and recovery of environment compensation as per 'Polluters Pay' Principle.

It is made clear by this letter that amount of Rs. 05,00,000/- (Five Lakh) is only Interim Compensation and M.P.C.B. is in the process of assessing Environment Compensation against you for non-compliances and damages already caused to the environment by you.

In case you fail to comply with the above directions, the Board will have no option than to issue appropriate directions as deem fit under the provisions of the



Water (P & CP) Act, 1974 and under the provisions of the Air (P & CP) Act, 1981 which may please be noted.

For and on behalf of
Maharashtra Pollution Control Board

(Nitin Shinde)
I/c Regional Officer, Pune

Copy submitted to :-

1. The Joint Director (WPC), MPCB, Mumbai
2. The Law Officer, MPCB, Mumbai
3. The CAO, MPCB, Mumbai
(NGT Order dated 17/01/2022 is enclosed)

Copy to :- The Sub-Regional Officer, M.P.C.B. Pune –II :- You are directed to keep the necessary follow up and report the compliance from time to time.

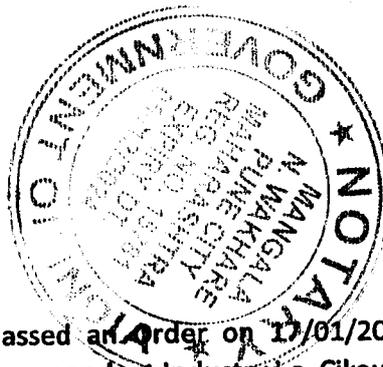
To,
Mahendra Hasabnis,
R/at – Survey No. 408/2B/2, Limb-Phata,
Talegaon Dabhade,
Tal. Maval, Dist. – Pune.

Sir,

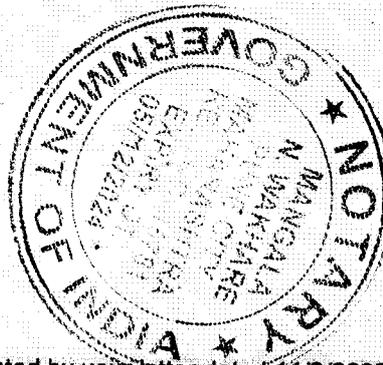
In O. A. 69/2021, Hon'ble NGT has passed an order on 17/01/2022. Hon'ble NGT has directed in said order that the respondent industry i.e. Cikautxo Ind. Pvt. Ltd. to deposit Rs. 05 Lakhs at MPCB towards Interim Compensation. Hon'ble NGT has also directed that out of the deposited amount, an amount of Rs. 02 Lakhs be paid to the applicant i.e. to you towards interim compensation.

You are hereby informed to kindly submit details of your Bank Account Number with IFSC code of the said bank to the Regional Office, MPCB Pune in compliance of the Hon'ble NGT Order dated 17/01/2022.


(Nitin Shinde)
I/c Regional Officer, Pune



To,
Regional Officer Maharashtra
Pollution control Board, Regn. Office
Pune. Jog Center, 3rd floor, Wakdewadi
Old Pune Mumbai Road,
PUNE 411003



Sub. : Compliance of order dated 17/1/2022 as communicated by your letter dated 11/2/2022

Madam / Sir,

This has reference to your letter dated 11/2/2022. You have informed the company that an order dated 17/1/2022 has been passed by the National Green Tribunal in O A No. 69/2021 (WZ). By the said order the Chairperson of the NGT was pleased to direct payment of compensation to a tune of Rs. 5,00,000/-

You are aware that the National Green Tribunal has not issued notice to the company prior to issuance of the direction.

Without prejudice to the rights and contentions that vest in the company, the company is depositing an amount of Rs.5,00,000/- under protest in compliance of the order dated 17/2/2022 vide cheque dated 21.02.2022 bearing no 003925 drawn on HDFC BANK, Pay to Maharashtra Pollution Control Board, Mumbai.

The company submits that there are directions pertaining to assessment that are set out in para No.7 & 8 of the order. Based on these directions we request you to kindly communicate to us the time and schedule of hearing for the purported assessment of the compensation. The company wishes to file detailed representation as and when directed in regards to the allegations for determining compensation.

We therefore request you to kindly give us due and appropriate opportunity in the assessment process.

Thank You,

Yours Faithfully,
For Cikautxo India Private Limited



Miguel Angel Mendive
Chief Executive Officer & Authorized Signatory

HA
pl invent it
& send it to HQ
Vai SRO - P II

Encl. - As above

Copy for information & necessary action to:

1. S.R.O., Pune I & II, Maharashtra Pollution Control Board, Pune
2. Filed officer, Maharashtra Pollution Control Board, Pune

21/2

Cikautxo India Private Limited

Survey Number 662, Old Pune - Mumbai Highway, Talegaon Dabhade, Taluka Maval,
District Pune-410 506, Maharashtra, India. Phone: 0091-2114-660100;
Fax: 0091-2114-660115 website: www.cikautxo.in CIN; U25199PN2011PTC138415

HDFC BANK

LAUKIK APARTMENTS GROUND FLOOR, PLOT NO 3, CTS NO 870
BHANDARKAR ROAD PUNE-411004, MAHARASHTRA
RTGS / NEFT IFSC : HDFC0000007

21022022
DDMMYY
Valid for 3 months only

Pay Maharashtra Pollution Control Board, Mumbai

Or Bearer

या धारक को

Rupees रुपये Five lacs only

अर्थात्

₹ 500,000/-

A/c No. 00070330004044

Brn: 0007 Pdt: 033
CIA

For CIKAUTOXO INDIA PVT LTD

Jendib

Payable at par through clearing/transfer at all branches of HDFC BANK LTD

Authorized signatories
Please sign above / यहाँ पर हस्ताक्षर करें

⑈003925⑈ 411240002⑈ 902712⑈ 30



Copy of letter of
receipt of Rs. 2 Lakhs
& signed by Applicant
Mahendra
Hasabnis.

महाराष्ट्र प्रदूषण नियंत्रण मंडळ
प्रादेशिक कार्यालय पुणे

फोन नं. ०२०-२५८९६४५९
फॅक्स नं. ०२०-२५८९९७०९
ई मेल: ropune@mpcb.gov.in



३ रा मजला, जोग सेंटर,
मुंबई-पुणे रोड, वाकडेवाडी,
पुणे - ४११००३.

"आपली सेवा आमचे कर्तव्य"

म.प्र.नि.म./प्राकाप/जाक्र/220606-FIS-0050

दिनांक: 06/06/2022

महेंद्र गोविंद हसबनीस
तळेगाव दाभाडे, ता.मावळ, जि.पुणे

विषय:- Interim Environment Compensation चा रु.२,००,०००/- घनादेश देण्याबाबत.

संदर्भ:- १) NGT O.A. ६९/२०२१ महेंद्र हसबनीस विरुद्ध Cilkautxo कंपनी मधील NGT Order
Dtd.१७/०९/२०२२

२) M/s.Cilkautxo India Private Limited यांनी रुपये ५,००,०००/- चा "म.प्र.नि.मंडळ,
मुंबई" च्या नावे काढलेला चा घनादेश क्र.००३९२५ दि.२९/०२/२०२२

महोदय,

वर नमूद संदर्भाप्रमाणे M/s.Cilkautxo India Private Limited, सर्व्हे नं.६६२, जुना पुणे-मुंबई
हायवे, तळेगाव दाभाडे, ता.मावळ, जि.पुणे यांनी NGT O.A. ६९/२०२१ महेंद्र हसबनीस विरुद्ध Cilkautxo कंपनी
मधील NGT Order Dtd.१७/०९/२०२२ नुसार Interim Environment Compensation चा घनादेश
क्र.००३९२५ दि.२९/०२/२०२२ रुपये ५,००,०००/- (पाच लाख रुपये) फक्त "म.प्र.नि.मंडळ, मुंबई" येथे जमा
केला.

मा. राष्ट्रीय हरित लवाद यांच्या O.A. ६९/२०२१ मधील दि.१७/०९/२०२२ च्या आदेशाप्रमाणे, सदर
५,००,०००/- पैकी रुपये.२,००,०००/- (दोन लाख रुपये) फक्त NGT O.A. ६९/२०२१ चे अर्जदार श्री. महेंद्र
हसबनीस यांना Interim नुकसान भरपाई म्हणून देण्याचे आदेश आहेत. त्यानुसार जमा केलेल्या Interim
Environment Compensation मधून श्री. महेंद्र गोविंद हसबनीस यांच्या नावे रु.२,००,०००/- (दोन लाख फक्त)
चा "घनादेश क्र.५३९१९९ दि.०९/०६/२०२२" म.प्र.नि.मंडळाने काढलेला आहे.

तरी, रु.२,००,०००/- चा घनादेश श्री. महेंद्र गोविंद हसबनीस यांना देण्यात येत आहे.

प्रत माहीतीस्तव :

१. सह संचालक (जप्रनि), म.प्र.नि. मंडळ, मुंबई.
२. विधी अधिकारी, म.प्र.नि. मंडळ, मुंबई
३. मुख्यलेखा अधिकारी, म.प्र.नि. मंडळ, मुंबई.

प्रत पुढील कार्यवाही करीता सादर:-

उप-प्रादेशिक कार्यालय म.प्र.नि.मंडळ, पुणे-२



Mahendra Hasabnis
7-6-22 o/c

प्रादेशिक अधिकारी, पुणे