

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
EXECUTION APPLICATION NO. 15/2023 WZ.
IN
ORIGINAL APPLICATION NO. 04/2022 WZ.
APPEAL NO. 02 OF 2023**

IN THE MATTER OF -

TANAJI RUIKAR

.... APPLICANT.

V/s.

MHETRE ACCIDENT &

MULTISPECIALITY HOSPITAL & ORS.

.... RESPONDENTS.

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT No. 5 & 6.

I, Navanath S. Awatade, aged about 53 years, occupation-service, as the Sub Regional Officer, Maharashtra Pollution Control Board at Sangli having my office at Udyog Bhavan, Vishrambag, Sangli-416415. I am filing this affidavit on behalf of the Respondent No – 1 do hereby solemnly affirm state as under-

1. 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 appeal and thereafter made myself conversant with the facts and circumstances. I am filing the present affidavit in reply in response to the appeal after understanding the contents thereof. At the outset I deny all the averments, assertions and contentions, made in the appeal 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 point No. 1 is about Respondent No.1, regarding discharging untreated wastewater from the hospital into the municipal corporation drain and running without the consent from Maharashtra Pollution Control Board, The Original Application

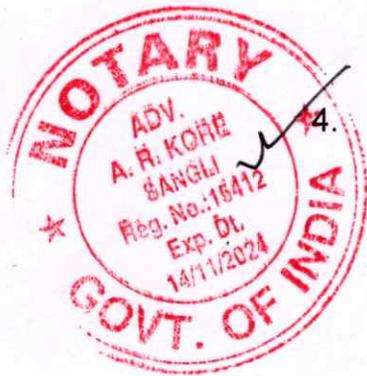
**Noted & Registered
at Serial Numbers ...708/2023**

Affidavit In the matter EA No.15 of 2023.

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No. 04 of 2022 the Hon'ble NGT delivered the final order on dated 11.10.2022.

3. I say & submit that, the Hon'ble National Green Tribunal, Pune, in its order dated 11-10-2023 directed to Respondent No. 5 and 6- "MPCB to assess the environmental compensation on the basis of the principle/formula which has been prescribed by the CPCB, after giving opportunity of hearing to respondent No. 1, and the so quantified amount of environmental compensation be realized from Respondent No. 1 and the so quantified amount of environmental compensation be realized form Respondent No. 1 to be used for restitution of environment. If Respondent No. 1 does not obtain CCA even till the date of calculation of environmental compensation, thereafter respondent No. 1's facility shall not be allowed to be continued. Besides that, the Maharashtra Pollution Control Board also shall proceed to prosecute respondent No. 1 in accordance with law for the said violation."



4. I say and submit that, in compliance of Hon'ble NGT order dated 11.10.2023, the Respondent board has extended personal hearing to the Respondent No 1 on 2.11.2022. Thereafter Respondent board has issued notice to deposit Environmental Compensation of Rs. 50,45,625/- vide letter dated 24.11.2022 on the basis of the principle/formula prescribed by the Central Pollution Control Board.
5. I say and submit that, the respondent No. 1 has filed Review Application No. 1 of 2023 along with IA No. 19 of 2023 for condonation of delay before the Hon'ble NGT (WZ) on dated 23.01.2023. The said application has been dismissed at the admission stage by this Hon'ble Tribunal.
6. I say and submit that it is true that Respondent No. 1 has filed an Appeal No. 02 of 2023 before this Hon'ble Tribunal against the Environmental Compensation Notice dated 24.11.2022 issued by Respondent No. 5. The Hon'ble tribunal has directed that "the

calculation of environmental calculation has been made only from 31.12.2029 till the date of passing of our order i.e. 11.10.2022, therefore, from that date onwards till 17.11.2022, the additional environmental compensation shall be levied from the Respondent No 1 by the MPCB by following the same guidelines, which have been relied upon vide order dated 4/5/2023. It has been further directed that if the said amount is not deposited by the Appellant, the Respondent No. 1 shall take all coercive measures to realize the same and submit compliance report.

7. I say and submit that in compliance of said order dated 4.5.2023, the Respondent Board has calculated revised environmental compensation amounting to Rs. 52,30,875/- & issued Notice to Respondent No. 1, directing to deposit the said environmental compensation amount within 15 days, however the Respondent No. 1 has failed to deposit the same till date. The Respondent Board has submitted a compliance report before the Registry of Hon'ble Tribunal on 14.07.2023.
8. I say and submit that, inspite of letters and reminders issued to the Respondent No. 1, by Respondent No. 5 and 6, the Respondent No. 1 has failed to deposit the environmental compensation within time. Therefore, the Respondent Board has taken the following action against Respondent No 1 as per law.
 - i) The Board has issued letter/notice to the Respondent No. 1, regarding revised environmental compensation realized from respondent No.1, vide letter No.MPCB/RO/KOP/NGT-04/2022(WZ)/EC/221240001 Dated 24-11-2022 and letter No. MPCB/RO/KOP/NGT-02/2023(WZ)/EC/2306210001 Dated 21-06-2023. The copies of letters issued to Respondent No. 1 is enclosed herewith and marked as an Annexure "A".



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- ii) The Board has also filed Regular Criminal Case in the Court of Hon'ble Chief Judicial Magistrate, Sangli on 11-10-2023 online. The copy of the complaint is enclosed herewith and marked as an Annexure "B".
- iii) The Respondent No.1 has filed Civil Appeal No. 5957/2023 before Hon'ble Supreme Court of India wherein the Hon'ble Supreme Court passed an order dated 15th September 2023 and directed Respondent No. 1, to deposit the amount of Rs. 20.00 Lakh to Maharashtra Pollution Control Board. In compliance of the Hon'ble Supreme Court Order dated 15.9.2023, the Respondent No 1 has deposited the amount of Rs. 20.00 Lakhs with the Regional Officer, Maharashtra Pollution Control Board, Kolhapur on dated 10-10-2023. A copy of letter submitted by Respondent No. 1, is enclosed and marked as an Annexure "C". The Civil Appeal No 5957 of 2023 is pending before Hon'ble Supreme Court of India.

Solemnly affirmed 16th day of Oct. 2023.



16 OCT 2023

Identified by

Ad. A. m. Patil
[Signature]

For and on behalf of Respondent No. 5 & 6

[Signature]
(Navanath S. Awatade)
Sub -Regional Officer,
M.P.C. Board, Sangli.

Solemnly affirmed before me by
Shri Navanath S. Awatade M. Sangli.

Who is identified before me by
Shri A. m. Patil Adv M Sangli.
whom personally known.

[Signature]
16/10/2023
ADV. A. R. KORE
NOTARY REG. NO. 15412,
GOVT. OF INDIA
Kaveri Appt., Saraswatinagar
SANGLI - 416 416 (M.S.)



**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/NGT- 04/2022(WZ)/EC/ 22.11.240001 Date: 24/11/2022.

To,
M/s. Mhetre Hospital
Timber Area, Miraj,
Tal. Miraj, Dist. Sangli.

Sub: Environmental Compensation as per NGT Order dated 11.10.2022.

Ref: 1. NGT Order Dated 11.10.2022 in the Original application No. 04/2022(WZ)
2. Personal Hearing conducted by Video Conferencing dated 02.11.2022.
3. E Mail received from Law Officer, Maharashtra Pollution Control Board, Mumbai dated 17.11.2022.

Sir,

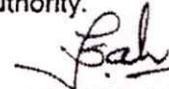
Order No. 04/2022 (WZ) has been passed by Honourable NGT dated 11.10.2022. In the last order passed, NGT has directed to levy Environmental Compensation & penalty to your unit. Environmental Compensation has been calculated by MPCB.

In view of the above you are directed to deposit the amount of **Rs. 50,45,625/-** to the Maharashtra Pollution Control Board within 15 days. The details of Account of Maharashtra Pollution Control Board is as below

Bank Name and address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 11303165287
IFSC Code : SBIN0007249

Failure on your part to comply with this Directions Board will take necessary steps for recovery of the said amount which please be noted.

This is issued with the approval of competent Authority.


24.11.22
(J.S. Salunkhe)

Regional Officer, MPCB Kolhapur.

Copy submitted to

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.

Copy for further follow up:

Sub Regional Officer, MPCB, Sangli.- He is directed to realize Environmental Compensation amount within one month & same amount to be used for Restitution of Environment as per NGT order. Please go through the NGT order dtd. 11.10.2022 & submit Action Taken Report to HOD with copy to this office for necessary record under intimation

**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/NGT- 02/2023(WZ)/EC/2306210001 Date: 21/06/2023

To,
M/s. Mhetre Hospital
Timber Area, Miraj,
Tal. Miraj, Dist. Sangli.

Sub: Environmental Compensation (Revised) as per NGT Order dated 11.10.2022 & 04.05.2023.

- Ref: 1. NGT Order Dated 11.10.2022 in the Original application No. 04/2022(WZ)
2. Personal Hearing conducted by Video Conferencing dated 02/11/2022.
3. Email received from Law Officer, Maharashtra Pollution Control Board, Mumbai dated 17/11/2022.
4. NGT Order Dated 04.05.2023 in the Original application No. 02/2023(WZ).
5. This office letter no. MPCB/RO/KOP/NGT- 04/2022(WZ)/EC/2211240001 dated 24/11/2022
6. NGT Order Dated 04/05/2023 in the Appeal No.02/2023(WZ).
7. E Mail received from Law Officer, Maharashtra Pollution Control Board, Mumbai dated 16.06.2023.

Sir,

As per the Order No. 04/2022 (WZ) passed by Honorable NGT dated 11.10 2022. NGT has directed to levy Environmental Compensation & penalty to your unit and accordingly Environmental Compensation of Rs. 50,45,625/- has been calculated by MPCB and the same was communicated to you by this office vide above reference letter no. 4 and directed to deposit the same.

Then after, the Hon'ble NGT has passed an Order dated 04/05/2023 in the Appeal No.02/2023(WZ) and directed MPCB to calculate the additional Environmental Compensation from the date of passing of our order i.e 11/10/2022 till 17/11/2022, have to be levied from the project proponent.

Accordingly, the additional Environmental Compensation of Rs.1,85,250/- has been calculated from 11/10/2022 till 17/11/2022 as per the guidelines issued by the CPCB.

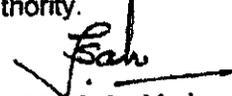
Therefor you are hereby directed to deposit the total amount of Rs.50,45,625/- + Rs. 1,85,250/- = Rs. 52,30,875/- (Rs. Fifty Two Lakhs Thirty Thousand Eight Hundred Seventy Five only) to the Maharashtra Pollution Control Board within 15 days. The details of account of Maharashtra Pollution Control Board is as below.

Bank Name and address : State Bank Of India. Kolhapur Treasury.
Ashish Chambers, 398/B/E ward, Shahupuri, Kolhapur
Account Number : 37822828958
IFSC Code : SBIN0007249

(Signature)

Failure on your part to comply with this Directions Board will take necessary steps for recovery of the said amount which please be noted.

This is issued with the approval of competent Authority.



(J.S. Salunkhe)

Regional Officer, MPCB Kolhapur.

Copy submitted to

1. Member Secretary, MPCB, Mumbai.
2. Joint Director (WPC), MPCB, Mumbai
3. Law Division, MPCB, Mumbai.

Copy for further follow up:

Sub Regional Officer, MPCB, Sangli.- He is directed to realize Environmental Compensation amount within one month & same amount to be used for Restitution of Environment as per NGT order. Please go through the NGT order dtd. 04.05.2023 & submit Action Taken Report to HOD with copy to this office for necessary record under intimation.



Chief Judicial Magistrate, Sangli

E-Filing No: C202300004 - Criminal complaint

Relief Sought: Punishing wrong doer with or without compensation

Case Type: Criminal complaint

Maharashtra Pollution Control Board Vs M/s Mhetre Accident And Multispeciality Hospital Dr Mahadev G Mhetre

Advocate Name: Avinash Kudalkar Barcode: MAH/1220/1983 Unique ID: AMH20210050025

I) Litigant Information

Main Petitioner

Complainant Name:	Maharashtra Pollution Control Board	Organisation Type:	State Government Departments
Email:	...	Mobile No.:	9823257284
Address:	Maharashtra Pollution Control Board 300/2 udyog bhavan near govt goust house vishrambag Sangli	Pin Code:	416415
State:	Maharashtra	District:	SANGLI
Taluka:	Miraj	Village:	...

Other Information

Passport No.:	...	PAN No.:	...
Country:	...	Nationality:	...
Phone No.:	...	Fax No.:	...
Occupation:	...		
Alternate Address:	...		
State:	---	District:	...
Taluka:	...	Village:	...
फिर्यादी:	महाराष्ट्र पोल्युशन कंट्रोल बोर्ड	वडील/आर्द/पती चे नांव:	...
पत्ता:	...		

Main Respondent

Complainant Name:	M/s Mhetre Accident And Multispeciality Hospital Dr Mahadev G Mhetre	Extra Respondent Count	0
Gender:	Transgender	Caste:	...
Father/Mother/Husband Name:	Ganpati Mhetre	Relation:	...
Age:	40	Date of Birth:	...
Differently Abled:	No	Proforma Respondant:	No
Email:	...	Mobile No.:	...
Address:	Ganpati mhetre Nadives Vakharbhag Miraj Dist Sangli	Pin Code:	...
State:	Maharashtra	District:	SANGLI
Taluka:	...	Village:	...
Other Information			
Passport No.:	...	PAN No.:	...
Country:	...	Nationality:	...
Phone No.:	...	Fax No.:	...
Occupation:	Doctor		
Alternate Address:	...		
State:	Maharashtra	District:	SANGLI
Taluka:	...	Village:	...
फिर्यादी:	म्हेत्रे असिसिडेंट अँड मल्टि स्पेशसिलिटी हॉस्पिटल	वडील/आर्इ/पती चे नाँव:	गणपती म्हेत्रे

पता:

गणपती म्हेत्रे नदीवेस
वखारभाग मिरज ता मिरज
जि सांगली

Extra Petitioner**Extra Respondent****Extra Party 2)**

Complainant Name:	Mahadev Ganpati Mhetre		
Gender:	Male	Caste:	...
Relation:	...	Father/Mother/Husband Name:	Ganpati Mhetre
Age:	40	Date of Birth:	...
Differently Abled:	No	Proforma Respondant:	No
Email:	...	Mobile No.:	...
Address:	Nadives Vakhar Bhag Miraj Tal- Miraj Dist- Sangli	Pin Code:	...
State:	Maharashtra	District:	SANGLI
Taluka:	...	Village:	...

Other Information

Passport No.:	...	PAN No.:	...
Country:	...	Nationality:	...
Phone No.:	...	Fax No.:	...
Occupation:	doctor		
Alternate Address:	...		
State:	—	District:	...
Taluka:	...	Village:	...
फिर्यादी:	...	बडील/आर्इ/पती चे नांव:	...
पता:	...		

State:

District:

Subordinate Court:

Date of Decision:

CC Applied Date:

CC Ready Date:

CNR:

Case Type:



Sr.No.

Fact Date

Fact Time

Fact

Data not found

Cause of Action: as per order dated 11/10/2022 and 4/5/2023 of Honorable National Green Tribunal Board that accused has assessed the environmental compensation of Rs. 52,30,875/- But accused has not fulfilled the said order and not deposited amount of Rs. 52,30,875/-as environmental compensation

Relief Claimed: process may be issued against accused U/S 15 and 16 of Environment (Protection) Act 1986, U/S 25,26 R/W 44 and 45 a of water (prevention and control of pollution) Act 1974 and U/S 4 of the Air (prevention and control of pollution) Act 1981 and he may be punished accordingly

Date of Cause of Action: 11-10-2022

Valuation:

Amount: 0.00

Plaint in Local Language: No

Important Information or Subject or Reason:

State: --

District: --

Taluka: --

Village: --

बादास कारण: --

केलेली मागणी: --

महत्वाची माहिती किंवा विषय किंवा कारण: --

Act1: ENVIRONMENT (PROTECTION) ACT

Section: Penalty for contravention of the provisions of the Act and the rules, orders and directions

Act2: WATER (PREVENTION AND CONTROL OF POLLUTION) ACT

Section: 25 and 26 r/w 44 and 45a

Act3: Air (Prevention and Control of Pollution) (Union Territories) Rules

Section: 4

DR M. G. MHETRE

MOB:-9421221324

M.B.B.S

LAND LI:-0233-2222875

REG NO :- 29905

FTS - 0046		
28	10	11

DATE:-10/10/2023

To,

The Regional Officer,

MPCB, Kolhapur

Subject- Deposit of Rs.20 Lakhs in compliance of Hon'ble SC Order dated 15th September, 2023 in C.A. No. 5957 of 2023 subject to the final disposal of SC Appeal.

Sir,

Dr. Mhetre Hospital has filed Civil Appeal No. 5957 of 2023 before Hon'ble S.C. aggrieved by Hon'ble NGT Order and Excessive Assessment of Environment Compensation by the MPCB. Hon'ble SC passed Order dated 15th September, 2023 and directed to deposit Rs.20 Lakhs.

Kindly acknowledge for the same.

Enclosed:-

- 1) DD No 007101 date 10-10-23 drawn on IDBI BANK MIRAJ
- 2) Memo of Appeal Service with Order passed by Hon'ble SC

For Mhetre Hospital,



Authorized Signatory

✓ copy to SDO Sangli

10/10/23
S. D. Sangli

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MHETRE HOSPITAL

DR M. G. MHETRE

M.B.B.S

REG NO :- 29905

MOB:-9421221324

LAND L:-0233-2222875

DATE:- 10 / 10 / 2023

To,

The Regional Officer,

MPCB, Kolhapur

Subject- Deposit of Rs.20 Lakhs in compliance of Hon'ble SC Order dated 15th September, 2023 in C.A. No. 5957 of 2023 subject to the final disposal of SC Appeal.

Sir,

Dr. Mhetre Hospital has filed Civil Appeal No. 5957 of 2023 before Hon'ble S.C. aggrieved by Hon'ble NGT Order and Excessive Assessment of Environment Compensation by the MPCB. Hon'ble SC passed Order dated 15th September, 2023 and directed to deposit Rs.20 Lakhs.

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For Mhetre Hospital,


Authorized Signatory

MHETRE HOSPITAL


10/10/2023