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BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE

Original Application No. 143/2017 (WZ)

Kushabapu Pawar & Anr

...Petitioners

Vs

Padmashree Dr. Viththalrao Vikhe Patil

Sahakari Sakhar Karkhana and Ors

...Respondents

Reply Affidavit on behalf of Respondent No. 1 Padmashree Dr.
Viththalrao Vikhe Patil Sahakari Sakhar Karkhana

I, Mrs Charushila Ravindra Gayake , Age: 46 Years, Occ: Service
R/at Pravaranagar Tal Rahata Dist Ahmednagar respondent No.1 herein do
hereby solemnly affirm and state on oath as under:-

1. After the order passed by Hon'ble NGT on 05.08.2021 the advocate representing Respondent No. 1 enquired with the concerned officers specifically regarding the notice dated 20.02.2020 issued by the MPCB to the Respondent No. 1.
2. Though the issue related to notice issued in 2020 cannot become part of an application filed in the year 2017 in the Hon'ble NGT, the Respondent No. 1 is filing its reply to satisfy the query raised by the Hon'ble NGT.
3. The regional officer of MPCB Nashik visited Respondent no. 1's sugar factory on 6.02.2020 and it was found that the discharge of ETP of sugar industry was due to seepage and leakage in outlet pipeline for some days and it was fairly accepted by Respondent No. 1.

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4. It was unintentional and accidental that such discharge due to seepage occurred. Considering it as violation of one consent condition the MPCB has imposed fine of Rs. 1,50,000 on Respondent no. 1 which has been duly deposited with R.O. MPCB Nashik.
5. The Respondent wishes to mention that the MPCB had taken water samples from the location of seepage and leakage of ETP and had also taken sample of water from the site of Kolhar Nala at Kolhar village.
6. It is found as per the water analysis report by MPCB that outside the compound wall of Respondent no. 1's sugar factory, water sample analysis report shows that the COD value in water was found as 1,136.0 whereas the water sample of Kolhar Nala indicates the COD value as 200.0. This analysis report clearly shows that the sugar factory has successfully stopped the seepage and leakage near their compound wall and it has not contaminated the water in Kolhar Nala.
7. It is also to be noted that the said Nala flows with water percolated from canal and the said Kolhar Nala flows from 200 feet distance from the Respondent no. 1's compound wall. As the water analysis has clearly indicated the COD value of the water in Kolhar Nala as just 200.0, it can be seen that the Respondent no. 1's sugar factory has not contaminated any water sources outside the compound.
8. On this background it very vital to note that the applicant Kushabapu Pawar and Ors' agriculture land is far away from the compound wall of Respondent No. 1's sugar factory. Even the gat no. of applicant's land is different and considering the distance of about 12 kms, it can be seen that the application has been filed without having any grounds just to extract money from the Respondent no. 1's sugar factory.
9. On the point of proper spent wash collection, treatment, storage and disposal the Respondent no. 1 has constructed 2 pakka lagoons and afterwards all this process was again monitored and assessed by the MPCB. The visit report dated 20.05.2019 of the MPCB has clearly mentioned that the sugar factory has maintained all the standards and reached to the level of ZLD. The report of MPCB dated 20.05.2021



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along with Disti Chemi Process Engineering Pvt Ltd letter of handing over the RO plant, MEE and CPU plant is also attached which indicates that all plants have been successfully commissioned.

- 10.Regarding the soil testing report, the MPCB has clearly indicated no contamination of soil and the Hon'ble NGT has gone through this report already.
- 11. On the above background it can be seen that the Respondent No. 1 has adopted the remedial measures as and when suggested by the concerned authority and for their little fault they have deposited the fine amount as well. But the Petitioners issue is not at all related to any mistake done by the Respondent No.1.
- 12. Hence the present Application is filed without having any existing cause and the issue is addressed already. So the application can be dismissed/ disposed off.

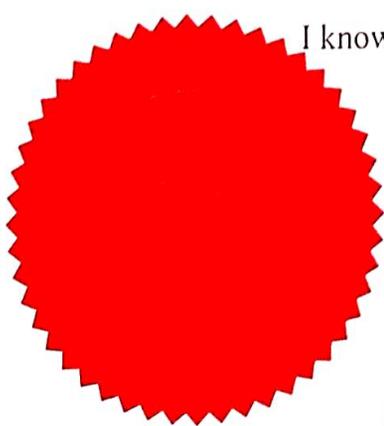
The Respondent No.1 herein do hereby verify and mention on oath that the contents of this Affidavit as mentioned above are true and correct to the best of my personal knowledge, information and belief and that I have not suppressed any material fact. In witness whereof I have signed below at Pravaranagar Tal Rahata Dist. Ahmednagar, on this 3rd day of September 2021.



Charushila
Mrs. Charushila Ravindra Gayake
General Manager

(Affiant)

Goble
I know the Affiant,
Adv. Gadhane M.P.



BEFORE ME
LAGAD
G. A. LAGAD
Notary, Govt. of India
DIST AHMEDNAGAR
NOTED & REGISTERED
AT SERIAL NO 175 / 2021.
3 SEP 2021

