

Noted & Registered	
At. Serial No.	2175
Date	- 2 NOV 2020



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 39/2020 (WZ)

SHRI SANT DAMAJI SSK LTD.

... APPELLANT

VS.

CHAIRMAN, CENTRAL POLLUTION
CONTROL BOARD

... RESPONDENT

**REPLY- AFFIDAVIT BY RESPONDENT NO. 2 i. e. MAHARASHTRA POLLUTION
CONTROL BOARD IN COMPLIANCE OF THE ORDER DATED 30/09/2020**

I , Prashant Bhosale, Age - 51 years, Occupation – service, Sub-Regional Officer of Maharashtra Pollution Control Board at Solapur i.e. Respondent No. 2 , having my office address at 4/B, Bali Block, Civil Lines, Opposite Government Milk Scheme, Saat Rasta, Solapur – 413003, do hereby state on solemn affirmation as under –

- 1) I say and submit that the Central Pollution Control Board has issued directions of closure to the Appellant Industry vide letter dtd.22/03/2016 due to no connectivity of Online Monitoring System to CPCB as well as MPCB server for the period of 63 days i.e. 11/11/2016 to 13/01/2017 and directed to deposit Environmental Compensation of Rs.18,90,000/- vide directions dtd.17/12/2019.
- 2) I say and submit that in compliance of the Order dated 30/09/2020 passed by Hon'ble NGT, the Board official visited the Appellant Industry M/s Shree Sant Damaji Sahakari Sakhar Karkhana Ltd. A/p – Mangalwedha, Tal. Mangalwedha, Dist. Solapur on 27/10/2020 and observed as follows :-

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Rajshekhar B.Kore
Advocate & Notary
Regd. No. 15408

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- a. During the visit , the Appellant-industry was not found in operation. Sugar cane crushing season of 2020-2021 has not yet started.
- b. The Appellant Industry has installed Online Digital Monitoring System to the effluent and source emission, which is connected to CPCB and MPCB servers.
- c. The effluent generation in the industry is 230 CMD for the manufacturing process, industry has provided ETP with 400 CMD capacity comprising of Bar Screen Chamber, Oil and Grease, Neutralization tank, Diffused Aeration tank, Tube settler, Sand and Carbon filter, 15 days treated water storage tank and SDB's and monthly washing tank and treated effluent disposal on land 14.16 hector land for irrigation.
- d. Domestic effluent is 25m³/day, industry has provided septic tank and soak pit.
- e. The Appellant-industry has obtained NOC from Central Ground Water Authority for withdrawal of ground water. Also, Irrigation Dept. permission to use Bhima river water.
- f. The Appellant-Industry has installed bagasse fired boiler of 32 TPH – 1 no. with stack height of 60 mtrs , industry has provided Wet Scrubber for boiler as an Air Pollution Control equipment and D. G. Set 600 KVA each with acoustic enclosure.
- g. The Appellant-Industry has hazardous waste generation in the Cat. No. 5.1 used / spent oil - 100 Lts/ month which is sold to authorized recycler.
- h. There is generation of non-hazardous waste in the form of Fly/ Boiler Ash 75.0 MT/month and same is sold to brick manufacturer. ETP sludge 3.0 MT/month is used as manure.


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Rajshekhar B.Kore
Advocate & Notary
Regd. No. 15408

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- i. The Appellant-Industry has submitted Environment statement and Hazardous waste retunes.
- j. The Appellant-Industry has planted 2015 nos. of trees within premises.

2) I say and submit that appellant industry has submitted Bank Guarantee of Rs. 5 lakhs and 8 lakhs for Operation and Maintenance of Pollution Control. The Respondent Board has forfeited BG of Rs. 03 lakhs towards exceeded JVS results .

Solemnly affirmed on this _____ day of _____, 2020 at Solapur.

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I know the affiant.

FOR AND ON BEHALF OF MAHARASHTRA
POLLUTION CONTROL BOARD i.e.
RESPONDENT NO.2



(Signature)

(Prashant Bhosale)
SUB -REGIONAL OFFICER,
MPCB , Solapur.

ADVOCATE



Explained and Identified by _____

PRAKASH B. PISE

(Signature)

Advocate, Solapur

Solemnly affirmed before me by
Shri Prashant Mahabkar Bhosale
Who is identified by Shri Adv. P. B. Pise
Whom I personally know Ro, Solapur
Date :- 2 NOV 2020

2 NOV 2020

(Signature)

BEFORE ME
RAJSHEKHAR B.KORE
NOTARY
GOVT. OF INDIA
REG. NO. 15408

(Signature)

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Rajshekhar B.Kore
Advocate & Notary
Regd. No. 15408

2 NOV 2020



MAHARASHTRA POLLUTION CONTROL BOARD
SUB REGIONAL OFFICE, SOLAPUR



MPCB/SROSOL/TB-201027-FTS-0181

Dated 27/10/2020.

To,

The Senior Law Officer
M. P. C. Board,
Mumbai.

Subject – Present status report of M/s. Shree Sant Damaji Sahakari Sakhar Karkhana Ltd. A/p- Mangalwedha, Tal. – Mangalwedha, Dist - Solapur in respect of CPCBs directions.

- Ref** - 1) Hon'bleNGT Appeals bearing No. 39/2020 direction/Order dated 17.12.2019.
2) CPCB's has issued direction to M/s. Shree Sant Damaji Sahakari Sakhar Karkhana Ltd, A/p- Mangalwedha, Tal. – Mangalwedha, Dist - Solapur B-782(S)/IPC-III/2019-20/10205, dated 17/12/2019.
3) Your mail received dated 26/10/220.

Madam,

With reference to above subject, the present status report of M/s. Shree Sant Damaji Sahakari Sakhar Karkhana Ltd. A/p- Mangalwedha, Tal. – Mangalwedha, Dist - Solapur is as below.

Present status

1. Name & Address of the Industry: M/s Shree Sant Damaji Sahakari Sakhar Karkhana Ltd.. A/p- Mangalwedha, Tal. – Mangalwedha, Dist – Solapur.
2. Ind. Category : Red/LSI
3. Date of Visit : 23/10/2020
4. Industry Representative : Shri Mohan Pawar, Chief Chemist
5. Visited by : Shri Prashant Bhosale,
I/c. SRO, Solapur
6. Products : Sugar –8700 MT/Month, Bagasse – 22500 MT/month, Pressmud – 2650 MT/month,

Molasses – 2650 MT/month, (Sugar Cane
Crushing Capacity 2500 TCD.)

7. Consent Status

: Consent No. Format I. CAC/UAN No. MPCB Consent 0000031220, 0000053487, & 0000075286 /CR/ 2003000341, dated 05/03/2020, Valid up to 31/07/2020, Industry has applied for consent to renewal UAN No. 093040, process application and forward to HQ Mumbai.

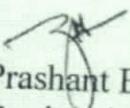
Observations :

1. During the visit, industry was not operation. Cane crushing season of 2020-21 is not yet started.
2. Earlier, CPCB had issued Closure Directions on 22/03/2016 due to no connectivity of Online Monitoring System to CPCB as well as MPCB server. Further, industry has obtained revocation order on 30/11/2017 by imposing environmental compensation of Rs.25,80,000/-. Then after, industry has filed appeal No. 44/2019 to the Hon'ble NGT dtd. 18/03/2019 for relaxation of environmental compensation. In this matter, Hon'ble NGT Court has issued Directions/order dtd. 22/05/2019 to the CPCB to consider views of the unit and give opportunity of personal hearing.
3. After personal hearing and verification with IT division, CPCB has issued direction No. B-782(S)/IPC-III/2019-20/10205, dated 17/12/2019 for the non-compliance of not connected Online Monitoring System of the period of 63 days during 11/11/2016 to 13/01/2017 and Directed to deposit Environmental Compensation of Rs. 18,90,000/-.
4. Again, industry had filed an appeal against Hon'ble NGT order / directions dated 17/12/2019. (Appeal Filling No. 39/2020).
5. Industry has installed online digital monitoring system to the effluent and source emission and which is connected to CPCB and MPCB Server (Photographs attached).
6. Industry is generation effluent 230 CMD for the manufacturing process; industry has provided ETP 400 CMD capacity. Comprising of Bar Screen Chamber, Oil and Grease, Neutralization tank, Diffused Aeration tank, Tube settler, Sand and Carbon Filter, 15 days treated water storage tank and SDB's and monthly washing tank and treated effluent disposal on land for irrigation 14.16 hector land.

- 
7. Last crushing season was very short (83 days only) due to less sugar cane crops.
 8. Domestic effluent is 25 m³/day for the same, Industry has provided septic tank and Soak pit.
 9. The industry has obtained NOC from Central Ground Water Authority for withdrawal of Ground Water. Also Industry has obtained used Bhima river water & obtained Irrigation Dept. permission.
 10. Industry has installed bagasse fired boiler of 32 TPH -1 no with stack height 60 mtrs, they have provided Wet Scrubber for boiler as an Air Pollution control equipment and D. G. Set 600 KVA, each with acoustic enclosure.
 11. Industry has generation Hazardous waste in the Cat. No. 5.1 Used/Spent oil -100 Ltrs/month, which is sale to authorized recycler
 12. There is generation of non-hazardous waste in the form of Fly /Boiler Ash 75.0 MT/month and same is sale to brick manufacturer. ETP sludge 3.0 MT/month and same is used as manure.
 13. Industry has submitted Environment statement and Hazardous waste retunes.
 14. Industry has submitted BG of Rs. 5 lakhs and Rs 8 lakhs toward both BG O & M of Pollution control. As per earlier consent industry BG of Rs. 3 lakh was forfeited towards exceeding the JVS Results and balance with board Rs 5.00 lakhs and Rs 5.00 Lakhs, Total BG of Rs. 10 lakhs BG balance to board. Industry has not submitted reaming 1.00 lakhs BG.
 15. Industry has planted 2015 nos. of trees within premises.

This is for your submitted information and for further needful, please.

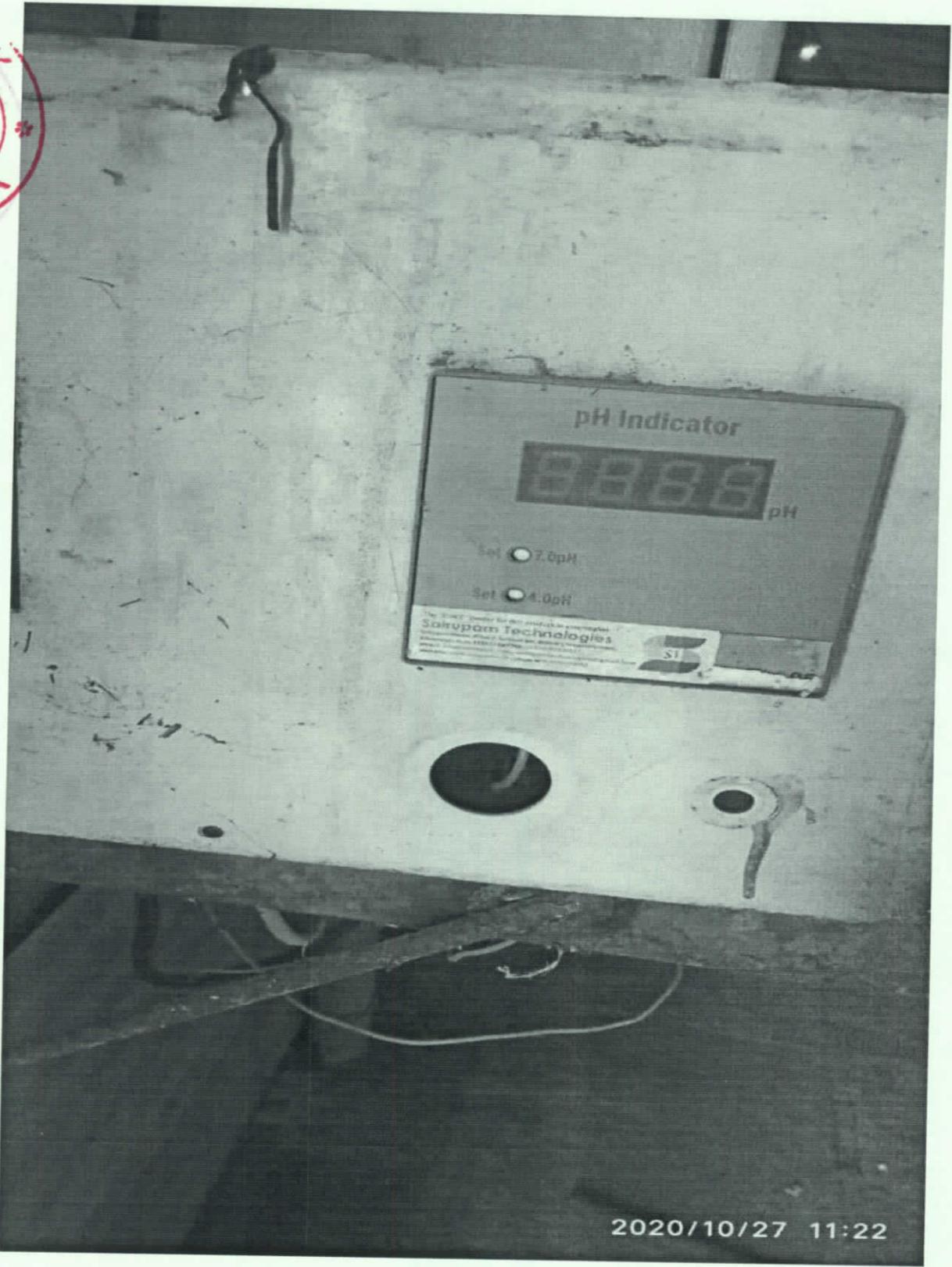
D. A. – As above


 (Prashant Bhosale)
 I/c Sub-Regional Officer, Solapur

Copy submitted to favour of information to-

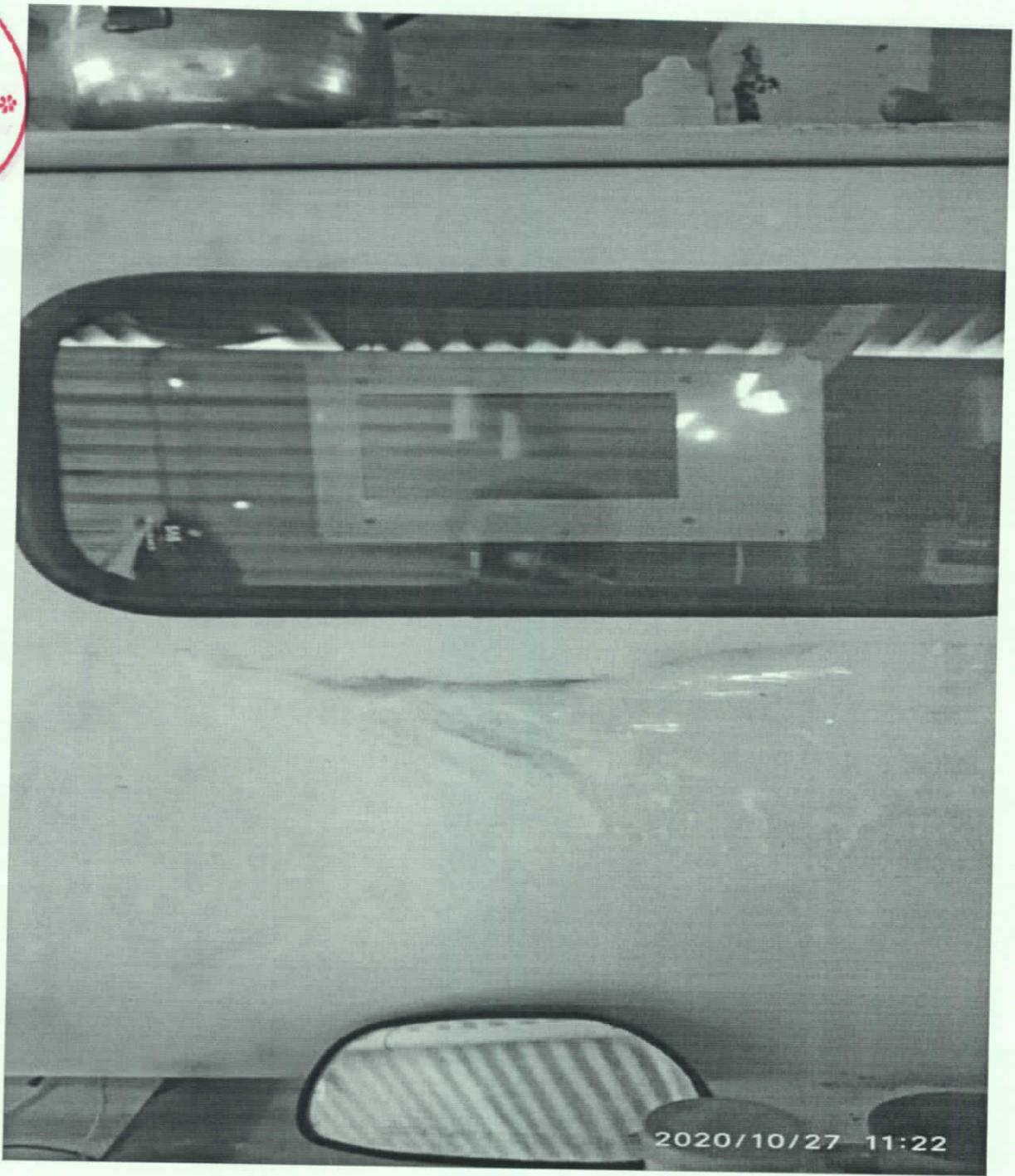
- 1) Regional Officer, MPCB, Pune.
- 2) Legal Retrainer, MPCB, Pune

Shri Sant Damaji SSK Ltd Mangalwedha, Dist - Solapur



2020/10/27 11:22

Shri Sant Damaji SSK Ltd Mangalwedha, Dist - Solapur





aji SSK Limited

Refresh

R12 Sugar

Configuration Updated On
3 years ago

Calibration at
4 years ago

CEMS
1

EQMS
1

AAQMS
0

Total Stations
2

Fluent Ambient All ▾

Nm3
PM
NA mg/Nm3
50 mg/Nm3 Range: 0 - 1000

0.0 mg/l
ETP_1_Outlet - BOD
15 MinsAvg NA mg/l
Limit: 0 - 100 mg/l Range: 0 - 1000

0.0 mg/l
ETP_1_Outlet - COD
15 MinsAvg NA mg/l
Limit: 0 - 250 mg/l Range: 0 -

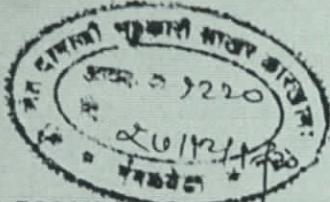
let - Flow
NA m3/hr
00 m3/hr Range: 0 - 1000

0.0 mg/l
ETP_1_Outlet - TSS
15 MinsAvg NA mg/l
Limit: 0 - 100 mg/l Range: 0 - 1000

6.28 pH
ETP_1_Outlet - pH
15 MinsAvg NA pH
Limit: 5.5 - 9.0 pH Range: 0 -



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA



BY REGISTERED AD

No.B-782(S)/IPC-III/2019-20/10205

December 17, 2019

To

M/s. Shree Sant Damaji SSK Ltd.,
A/p -Mangalwedha, Tal. - Mangalwedha, Dist - Solapur
Maharashtra-413305

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986

WHEREAS, Sugar industries are identified as one of the 17 categories of highly polluting industries which have been discharging environmental pollutants directly or indirectly into the ambient air and water, having potential threat to cause adverse effect on the water and air quality; and

WHEREAS, for strengthening the monitoring and compliance through self-regulatory mechanism, a direction under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 was issued on February 05, 2014 to all the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) for installation of online emission monitoring system w.r.t. Particulate Matter parameter & online effluent monitoring system w.r.t. pH, BOD, COD, TSS, Flow parameters in 17 categories of industries including Sugar; and

WHEREAS, considering the requests/ representations received from industries/ industrial associations/ SPCBs / PCCs, an extension of time up to June 30, 2015 for installation of online monitoring systems was granted vide direction dated March 02, 2015 under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981; and

WHEREAS, in follow up to the directions issued to the SPCBs/PCCs, CPCB had issued show cause notices under section 5 of the Environment (Protection) Act, 1986 dated 24.07.2015 to 602 Sugar industries, including M/s Shree Sant Damaji SSK Ltd., A/p -Mangalwedha, Tal. - Mangalwedha, Dist - Solapur, Maharashtra 413305 hereinafter referred to as 'the unit', as to why the Unit should not be closed down if the Unit has not complied fully with the direction issued w.r.t. installation of online emission & effluent monitoring system by June 30, 2015. It was further directed to submit documentary evidence regarding status of installation and connectivity of online emission & effluent monitoring system in the format given in annexure; and

Directions of E (P) Act, 1986 to M/s. Shree Sant Damaji SSK Ltd, Maharashtra

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Handwritten notes and signatures:
C.C. ✓
श्री नरेश
आयुक्त मंत्री
अनु. 3 9220
20/12/2019
मंगळवेढा

पर्यावरण भवन, पी अर्जुन नगर, दिल्ली-110032

Pari Mah Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel: 43102030, 22305792, वेबसाईट/Website: www.cpcb.nic.in

WHEREAS, no reply as recorded was filed by the said unit in response of the same; and

WHEREAS, in view of the above and in exercise of the powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, the unit vide letter no. B-400(S)/PCI-III/2015-16/517/ dated 22.03.2016 was directed to close down their sugar mill and not to resume their manufacturing operation till installation and commissioning of online 24x7 monitoring system and networking of data with SPCB and CPCB, and to submit compliance to CPCB within 15 days on the receipt of the Closure Direction; and

WHEREAS, the unit has responded to the above said Closure Direction vide its letter dated 27.10.2017 and informed to have stopped all manufacturing operations on 19.01.2017 & complied with the CPCB's directions regarding installation and commissioning of online continuous effluent monitoring system (OCEMS) and asked for revocation of closure directions issued under Section 5 of E(P)A, 1986 dated 22.03.2016; and

WHEREAS, it has been observed that the unit has deliberately failed to respond the CPCBs closure directions and resumed operations during crushing season 2016-17 and 2017-18 without seeking permission from CPCB which is non-compliance of the closure direction issued by CPCB dated 22-03-2016 under Section 5 of the E(P) Act, 1986; and

WHEREAS, based on the compliance made by the unit (M/s. Shree Sant Damaji SSK Ltd) and verification by IT Division of CPCB, it was allowed to resume its manufacturing operations vide CPCB revoking directions u/s 5 of E(P)A, 1986 dated 30.11.2017. However, a separate clause was inserted in the revoke direction that action as per law shall be initiated separately.

WHEREAS, it has been noticed that even after CPCB's closure directions the unit has operated for total 86 days during crushing season 2016-17 (64 days) and 2017-18 (22 days) without obtaining revocation orders from CPCB.

WHEREAS, *The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. Directed Central Pollution Control Board (CPCB) that "The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment."*

Dir. u/s 5 of E (P) Act, 1986 to M/s. Shree Sant Damaji SSK Ltd, Maharashtra

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Ca

Decision

WHEREAS, in compliance of above quoted Hon'ble NGT order, a Committee was constituted by CPCB. As per the Committee recommendations one of the cases to be considered for levying environmental compensation is 'not complying with the directions issue, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.'

WHEREAS, as per formula derived for levying environmental compensation by CPCB, the total environmental compensation amount was calculated Rs. 25, 80,000/- (Rupees Twenty Five Lakhs & Eighty Thousand only) for the non-compliance period of 86 days during 11.11.2016 to 13.01.2017 & 09.11.2017 to 30.11.2017 and same shall be deposited by the unit to CPCB.

WHEREAS, a direction under Section 5 of the Environment (Protection) Act, 1986, was issued to the unit vide letter no. B-782(S)/IPC-III/2018-19/18233 dated March 18, 2019 directing it to deposit EC of Rs. 25, 80,000/- (Rupees Twenty Five Lakhs & Eighty Thousand only) to CPCB.

WHEREAS, the unit appealed against the CPCB direction dated March 18, 2019 for submission of EC in Hon'ble NGT vide appeal no. 44/2019. In this matter, Hon'ble NGT vide order dated 22.05.2019 directed CPCB to consider the views of the unit and to give opportunity of personal hearing to the unit.

WHEREAS, as per the directives of Hon'ble NGT vide order dated 22.05.2019 an opportunity of personal hearing was accorded to the unit on October 01, 2019. After hearing and considering the viewpoints of the unit representative, it was resolved that EC amount levied may be reviewed considering date of connectivity as verified by IT, and in accordance with the CPCB policy on EC.

WHEREAS, as per the CPCB policy dated 04.09.2019 for levying EC for industries 'EC for non-compliance to CPCB's closure direction regarding installation & connectivity of OCEMS shall apply till establishment of initial uninterrupted data connectivity for all the specified parameters in all the permitted outlets/stacks, as verified by the IT division.' The IT division verified the date of establishment of initial uninterrupted data connectivity of OCEMS for all the specified parameters as 06.10.2017.

WHEREAS, as per formula derived for environmental compensation by CPCB, the revised EC amount was calculated Rs.18,90,000/- (Rupees Eighteen Lakhs and Ninety thousand only) for the non-compliance period of 63 days during 11.11.2016 to 13.01.2017.

NOW THEREFORE, in exercise of powers vested to Chairman CPCB under Section 5 of the Environment (Protection) Act, 1986, the unit M/s. Shree Sant Damaji SSK Ltd., A/p - Mangalwedha, Tal. - Mangalwedha, Dist - Solapur, Maharashtra-

Dir. u/s 5 of E (P) Act, 1986 to M/s. Shree Sant Damaji SSK Ltd, Maharashtra

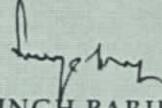
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/s/



413305 is directed to deposit Environmental Compensation of Rs.18,90,000/- (Rupees Eighteen Lakhs and Ninty thousand only) in CPCB account No. 532702050000164 (Bank name: Union Bank of India, I.P. Extn Branch, Vikas Marg Extn., Delhi; IFSC UBIN0553271).

In case of failure of the unit to comply with the above directions action as deemed appropriate will be taken with the provisions under Environment (Protection) Act, 1986 without further notice.


(S.P.SINGH PARIHAR)
CHAIRMAN

19/11/2024