

**BEFORE THE NATIONAL GREEN TRIBUNAL WESTERN ZONE
BENCH, PUNE**

ORIGINAL APPLICATION NO.50 OF 2023 (WZ)

Shahu Shivaji Mokashi } Applicant

Versus

M/s Appasaheb Nalawade Gadhinglaj Taluka
Sahakari Sakhar Karkhana Ltd. & Ors. } Respondents

The R.N. 1 has filed its First Affidavit dated 28th December 2023 in compliance of the Order passed this Hon'ble Tribunal dated 22nd September 2023 directing to file its Affidavit without receipt of the Copy of O Application filed by the Applicant. The Original Application in the form of the observations of Research Coordinator as the Letter Petition Regn. No. 19/LP/ 2022 & Dairy No. 11-24/LP/ 2022 dated 05th January 2022 with suggested solutions that Application may be considered in view of direction of Tribunal on the matters as referred was served by email dated 30th January 2024 along with the Letter dated 27-12-2021 written by the Applicant with the subject Abnormal Delay in deciding the pollution matter. The following are important points for consideration to decide this matter:

- A) The whole Letter- Petition refers to the discharge of molasses in the waters of Shri Hiranyakeshi SSK Near Sankheshwar, Taluka -Hukkeri, District Belgavi about causing great loss to nearby persons and also to those who are dependent upon this river water for agriculture purposes. **Nowhere R.N.1's name appeared.**
- B) Thereafter, **the objections are filed against the Joint Committee Report by way of Additional Affidavit dated 18th March 2024 pages 159 to 164 with Receipt of payment of uploading fees. However, it was not traceable on 18-3-2024 though affirmed on 31-01-2024 & filed on 01-02-2024.** Though it was stated to be filed on the date of hearing of matter on 18-03-2024, in fact, it was filed earlier & therefore it is prayed that the cost of ₹5000/- for not filing response may kindly be reviewed suitably. **This Hon'ble Tribunal imposed the cost of Rs.5000/- vide Order dated 18.3.2024. The IA is filed on pages 165 to 173 about the filing of the Objections to the Joint Committee Report vide Additional Affidavit well within time which was not traceable at the time of passing of the Order dated 18.3.2024. Additional Affidavit with filing of the Objections to the Joint Committee Report is at Pages 169 to 171 of the IA attached for ready reference. (Transaction id is 2700410018322024 date of payment is 01-02-2024 of filing Additional Affidavit dated 31-01-2024. (Page -160 of Affidavit) Hence the Cost of Rs. 5000/- may kindly recalled as per the IA No. 228/2025).**
- C) Now I would like to deal with the objections to making R.N. 1 as the Respondent with Joint Committee Reports as under: **Hon'ble Tribunal directed R. N. 1 by Order dated 19-9-24 to produce a copy of P.D., I. D. & Documents about**

the compliance of both the Proposed Directions & I. D. A detailed Additional Affidavit is filed on the record giving compliance documents and also Replies to the P. D. & I. D. along with the documents and Online Monitoring Reports for the period for which EDC has been assessed by the MPCB i.e. 2021-22 & 2023-24.

This Hon'ble Tribunal vide Order dated 19.09.2024 observed that we deem it appropriate to direct respondent No.2 – MPCB to provide an opportunity of hearing to respondent No.1 within one month and re-calculate the amount of EDC and place it on record before us apart from the pleadings to be submitted before us on record.

In fact, the MPCB had extended hearing on 29-11-24 but not taken into consideration the submissions made by the R. N. 1 about it. Restrict the assessment of EDC to the days for which MPCB - Results are exceeding & also to consider Online Average Monitoring Reports, which are very much available with the MPCB & make available such Average Online Monitoring Reports for the period 2021-22 & 2023-24 when Sugar & Distillery were in operation and the results were exceeding.

Hence, it is submitted & prayed that the R.N. 2 should review assessment of EDC with regard to the exceeding results only & not for all the 127 days for sugar & 40 days for distillery for which no monitoring was done & no exceeding results of either Online Average Monitoring or MPCB JVS are available.

- D) In this regard, in the reply affidavit dated 29.11.2024 of respondent No.2- MPCB, it is submitted that number of days were considered for the crushing season between the years 2021-2022, as the Joint Committee had visited the said unit on 06.06.2022. Total number of days, the said sugar unit operated between the seasons 2021-2022, are found to be 55 days; in the seasons 2022-2023- 0 days; and in the seasons 2023-2024- 72 days. Therefore, total number of days of operation by the said industry are recorded to be 127 days.

This Hon'ble Tribunal observed vide Order dated 02.12.2024 that "Our query remains unanswered because when the violations were noted between the years 2021-2022, in which 55 days of violations have been counted and thereafter, for the next season i.e. between the year 2022-2023, there was no operations, but thereafter, again operation is shown then how could it possible that the said industry was allowed to function for 72 days when there were violations. Therefore, last opportunity is provided to the respondent No.2- MPCB to answer the said query, which was made by us earlier also".

- E) After going through the site of Hon'ble NGT today (04.08.2025), it has been observed that the R.No.2 has uploaded on 25.03.2025 Compliance Affidavit by R-2 & 3 in OA No.50/2023 (WZ) (Shahu Shivaji Mokashi V/s M/s Appasaheb Nalwade Gadhinglaj Taluka SSK Ltd. and others). However, it was not served upon the R.No.1 for the reasons best known to the R.N. 2 & 3.
The following are remarks/ comments on behalf of R.No.1 –

- a) It appears that the exceeding results statement of JVS analysis have been reproduced without service of such reports on the R.No.1.

b) I) Total 2 results have been shown exceeding on 2.02.2022 and 03.02.2022 respectively in 2022.

ii) Total 3 results have been shown exceeding on 29.12.2023, 25.01.2024 and 15.02.2024 respectively in 2023.

iii) Total 3 results have been shown exceeding on 23.01.2025, 05.02.2025 and 28.02.2025 respectively in 2025.

Thus total 8 results have been shown exceeding for last 2022 to 2025 seasons. However, since the results are not served on the R.No.1, it is necessary that the service of results of JVS by specific letters with actual results of laboratory may kindly be directed to be filed before this Hon'ble Tribunal and also to be served on R.No.1 well in advance before next date.

Dated this 04.08.2025 at Pune

Atdevale
Advocate of R.No.1