

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 90 OF 2023 (WZ)

Ravindra Kuber Walawade ..... Applicant  
Occupation: Business, Aged 58 years.  
R/at 1616, Daulat Apartment. Ganeshnagar,  
Lane No. 4, Sangli 416416

Email: [walawaderk@gmail.com](mailto:walawaderk@gmail.com) M: 8275030732

Versus

1. Padmabhushan Vasantdada Patil ..... Respondents  
Government Hospital  
Civil Hospital Road Sangli  
Maharashtra  
Email: [pvpghsangli@yahoo.co.in](mailto:pvpghsangli@yahoo.co.in)

2. STATE OF MAHARASHTRA  
Through Principal Secretary  
Department of Environment and Climate Change  
Mantralaya, Mumbai-400 032  
Email: [mah-env@nic.in](mailto:mah-env@nic.in)

3. MAHARASHTRA POLLUTION  
CONTROL BOARD  
Through its Regional Officer,  
Udyog Bhavan, Kolhapur-416003  
Email: [rokolhapur@mpcb.gov.in](mailto:rokolhapur@mpcb.gov.in)

4. MAHARASHTRA POLLUTION  
CONTROL BOARD  
Through Sub-regional Officer,  
Sangli Division, Near Guest House,  
Udyog Bhavan, Vishrambag. Sangli-416416  
E [srosangli@mpcb.gov.in](mailto:srosangli@mpcb.gov.in)

5. LD. COLLECTOR

Sangli, Sangli District

Vijaynagar Chowk, Sangli.

Maharashtra-416416

Email: [collector.sangli@maharashtra.gov.in](mailto:collector.sangli@maharashtra.gov.in)

HUMBLE APPLICATION OF THE APPLICANT ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

An application filed behalf of the Applicant is as under

- I. 1. The Address of the counsel of Applicant is given for the service of notices of this Application is: - Omkar Wangikar, Advocate, Office No. 01, Fountain Chamber, Fountain, Fort, Mumbai 400 001 Email-id: [adv.omkarwangikar@gmail.com](mailto:adv.omkarwangikar@gmail.com)
- II. The present application pertains to the substantial issue of environment due to Respondent No. 1 is Padmabhushan Vasantdada Patil Government Hospital Sangli, running without valid consent from Maharashtra Pollution Control Board, also operating the hospital without obtaining valid bin-medical waste authorization and discharging untreated waste water into the municipal corporation drain for a period of more than fifteen years with the due knowledge and collusion of the regulatory agencies and with the permanent, irreversible damage caused to the environment that there is substantial question relating to environment, which needs to be decided by this Hon'ble Tribunal.
- III. That the address of the Applicant is as given above for the service of notice of this Application.
- IV. That the addresses of the Respondents are as given above for the service of notice of Application.
- V. That Present Application is being filed Under Section 14 & 15 r/w. Section 17, 18, and 20 of the National Green Tribunal Act, 2010 (hereinafter, the 'NGT Act') by the Applicant, being persons interested in the protection of the environment and ecology.

Sr. No	Facts	Remarks
1	<p style="text-align: center;"><b>BRIEF FACTS:</b></p> <p>1. That the present Applicant is an Indian inhabitant residing at the above-mentioned address. He is a businessman by profession and has been extensively working for protection and conservation of nature and environment.</p>	With reference to Para (1), I say and submit that the contents of the para are about particulars of applicant, which is matter of record.
2	The Respondent No. 1 is Padmabhushan Vasantdada Patil Government Hospital, Sangli at Civil Hospital Road, Sangli, Tel Miraj, District Sangli.	With reference to Para (2), I say and submit that the contents of the Para are about particulars of Respondent no. 1, which is matter of record
3	The Respondent No. 2 is the State of Maharashtra through its Principal Secretary, Department of Environment and Climate Change. The Ministry is responsible for planning, promoting, coordinating, and overseeing the implementation of environmental and forestry programs in the State of Maharashtra. The main activities undertaken by the ministry include conservation and survey of the flora and fauna of the State of Maharashtra, forests and other wilderness areas; prevention, protection of nature and environment; Control of pollution; afforestation, and land degradation mitigation.	With reference to Para (3), I say and submit that the contents of the Para are about particulars of Respondent no. 2, which is matter of record
4	That the Respondent No. 3 and 4 are the board constituted under the provision of Section 4 of the Water (Prevention and Control of Pollution) Act, 1974. The functions of Respondent No. 3 and 4 to plan comprehensive program for the prevention, control or abatement of pollution and secure executions thereof, and collect and disseminate information relating to pollution and the prevention, control or abatement.	With reference to Para (4), I say and submit that the contents of the Para are about particulars of Respondents no. 3 and, which is matter of record
5	That the Respondent No. 5 is Ld. Collector of Sangli District having its address as mentioned above. He is responsible for maintaining and protecting the wholesome environment.	With reference to Para (5), I say and submit that the contents of the Para are about particulars of Respondent no. 5, which is matter of record
6	The facts arising out of the present	With reference to Para (6), I say and

	<p>application are that the Respondent No. 1 is more than 400 bedded hospital, it is one of the biggest government hospitals within Sangli District. That the Respondent No. 1 is operating and running hospital without obtaining valid authorization of Maharashtra Pollution Control Board and further non-complying the various rules regarding the biomedical waste and discharging untreated waste water from the hospital into the municipal corporation drain. Then the Applicant immediately visited office of the Respondent No. 4 and explain the entire irregularities caused by the Respondent Na. 1, further to stop environment degradation the Applicant had Meal a complaint later dated 26.09.2022 to Respondents along with annexures herein pointed out that the Respondent No. 1 is running illegally without the permission from Maharashtra Pollution Control, also noncompliance various rules of bio-medical wastes and subsequently discharged untreated waste water into municipal corporation drain. (Copy of complaint letter dated 26.09.2022 to Respondents filed by the Applicant is annexed and marked herewith as "Annexure A")</p>	<p>submit that the hospital at present is having 390 beds and MPCB Sangli is insisting on setting up a STP/ETP plant in the hospital. In this regard the Respondent no. 1 had communicated with the Executive Engineer of Maharashtra Jeeven Pradhikaran Sangli dated 19.01.2023, 08.06.2023 and 26.06.2023 for detail survey and project report and tentative cost of the project. These letters are collectively annexed herewith and marked as <b>Exhibit-R-1</b>. Accordingly the Executive Engineer of Maharashtra Jeeven Pradhikaran Sangli had communicated to the Respondent n. 1 in his letter dated 13.07.2023 to transfer an amount of ₹ 300,000 /- (rupees three lakh only) for survey and preparation of detail project report. The letter is annexed herewith and marked as <b>Exhibit-R-2</b>. Once the project report and estimated cost is received from the Executive Engineer of Maharashtra Jeeven Pradhikaran Sangli, a proposal will be submitted to the Government of Maharashtra, Medical Education and Drugs department to provide administrative approval to the project and to allot budget accordingly. Once the administrative approval and budgetary money is sanctioned, it will be transferred to the Executive Engineer of Maharashtra Jeeven Pradhikaran Sangli and the work of setting up of STP/ETP plant will be started.</p>
7	<p>That the Respondent No. 1 received authorization for generation of biomedical waste on dated 22.01.2013 from Respondent No. 3 and which was valid up to 22.02.2013, but till date the Respondent No. 1 is running and operating without any valid authorization from Maharashtra Pollution Control Board. (Copy of</p>	<p>With reference to para 7, I say and submit that for cleanliness and disposal of bio-medical waste outsourcing, a tender was floated and Ms. Sons House Mumbai was the lowest bidder. Accordingly the Medical Education and Drugs department Govt. of Maharashtra has sanctioned Ms. Sons House</p>

	<p>authorization for generation of biomedical waste on dated 22.01.2013 of Respondent No. 1 Issued by the Respondent No. 3 is annexed and [marked herewith as "Annexure B")</p>	<p>Mumbai for outsourcing the cleanliness and disposal of bio-medical waste in Govt. Resolution no. MED-2023/P.K.111/Admin-2 dated 06.04.2023. The GR is annexed herewith and marked as <b>Exhibit-R-3</b>. Accordingly a work order was issued to Ms. Sons House Mumbai and an agreement was made between the Dean GMC Miraj and Ms. Sons House Mumbai. The work order and agreement are collectively annexed herewith and marked as <b>Exhibit-R-4</b>. Now adequate numbers of colour coded bags are made available. Separate storage room is made available with bio-medical waste symbol. Every department is instructed to segregate the bio-medical waste at the source. Regular training to all employees will be given by Department of Microbiology on periodic time. The online information to MPCB will be regularly provided. The PVPGH Sangli will take due care in this regard and the rules laid down by MPCB and Bio-Medical Waste Management, Rules 2016 will be meticulously followed.</p>
8	<p>That, it is mandatory to set up a Sewage Treatment Plant but the hospital has not setup STP/ETP, all the untreated wastes from the hospital are directly discharging outside the premises and municipal drain hence it has created adverse impact on the surrounding environment and it is very dangerous for river biodiversity, human and animals.</p>	<p>With reference to Para (8), I say and submit that it is necessary to set up a STP/ETP plant in the hospital. In this regard the Respondent no. 1 had communicated with the Executive Engineer of Maharashtra Jeeven Pradhikaran Sangli dated 19.01.2023, 08.06.2023 and 26.06.2023 for detail survey and project report and tentative cost of the project. These letters are collectively annexed herewith and marked as <b>Exhibit-R-1</b>. Accordingly the Executive Engineer of Maharashtra Jeeven Pradhikaran Sangli had communicated to the Respondent no. 1 in his letter dated 13.07.2023 to transfer an amount of ₹ 300,000 /- (rupees three lakh only) for survey and preparation of detail</p>

		<p>project report. Once the project report and estimated cost is received from the Executive Engineer of Maharashtra Jeevan Pradhikaran Sangli, a proposal will be submitted to the Government of Maharashtra, Medical Education and Drugs department to provide administrative approval to the project and to allot budget accordingly. Once the administrative approval and budgetary money is sanctioned, it will be transferred to the Executive Engineer of Maharashtra Jeevan Pradhikaran Sangli and the work of setting up of STP/ETP plant will be started.</p>
9	<p>Further, the Respondent No. 4 had taken cognizance of the complaint of the Applicant based on that had visited the hospital of the Respondent No. 1 on dated 12.10.2022 and issued warning notice regarding the non-compliance on dated 14.10.2022 to the Respondent No. 1. As per the said tenet during the joint inspection the Respondent No. 4 have observed the various non-compliances as follows: -</p> <p>i. You have operating/running your Hospital without obtaining valid authorization of the Board since 28/02/2013.</p> <p>ii. You have obtained membership of disposal of BMW for disposal of BMW waste for 280.0 beds but running hospital 390.0 beds. Explain the same.</p> <p>iii. Till date you have not provided STP for domestic effluent and ETP for wastewater generated from Canteen, Pathology Lab and Laundry activities. Which same is going outside of hospital through Corporation drain?</p> <p>iv. You have been provided 03 nos of bore-well for withdrawal of ground water but HOC from CGWA are not obtained.</p>	<p>With reference to para (9), I say and submit that action is been taken as mentioned in para (7) and (8). Furthermore, 1) Dry and wet waste is collected, segregated at source and transported by the outsourcing agency on regular basis; 2) The bio-medical like including dressings, IV sets, gloves, syringes, blood bags, protective gowns, operated parts, infected material etc. are separately collected, transported and incinerated by the outsourcing agency; 3) The linen like clothing, bed sheets, surgical gowns are treated with disinfectant and then washed in the laundry; and 4) the washrooms in wards, ICU and casualty and corridors and postmortem room are dry and wet cleaned with disinfectant solution on routine basis. From the above facts, it is clear that the above dangerous infected waste (particularly mentioned at 2 and 3) is not at all drained in the municipal corporation drainage line.</p>

	<p>v. You have stored Bio Medical Waste (Yellow &amp; Red Container) only and not provided sufficient no. of his in wards for storage of Bio Medical Waste.</p> <p>vi. You have not provided dedicated storage room for storage of BMW as per BMW, Rules, 2016 also the same was found in open premises. Also MEW waste is stored in room provided to BMW, which is highly objectionable.</p> <p>vii. You have not maintained/submitted proper records of BMW material received/delivered to authorized party/CBMWTSDf and also not submitted BMW Annual report till date. Above mentioned non-compliances arc indicates that the Respondent No. 1 is negligent attitude towards implementation and management as per Bio-Medical Waste Management, Rules 2016 and other environmental rules. (Copy of warning notice dated 14.10.2022 issued by Respondent No. 4 is annexed and (marked herewith as <b>Annexure C</b>)</p>	
10	<p>That till date the Respondent No. 1 failed to carried out the non-compliances mentioned in the warning notice dated 14.10.2022 issued by the Respondent No. 3 and also failed give any reply to the said notice.</p>	<p>With reference to para (10), I say and submit that action is been taken as mentioned in para (7) and (8). Furthermore, 1) Dry and wet waste is collected, segregated at source and transported by the outsourcing agency on regular basis; 2) The bio-medical like including dressings, IV sets, gloves, syringes, blood bags, protective gowns, operated parts, infected material etc. are separately collected, transported and incinerated by the outsourcing agency; 3) The linen like clothing, bed sheets, surgical gowns are treated with disinfectant and then washed in the laundry; and 4) the washrooms in wards, ICU and casualty and corridors and postmortem room are dry and wet cleaned with disinfectant solution on routine basis. From the above</p>

		facts, it is clear that the above dangerous infected waste (particularly mentioned at 2 and 3) is not at all drained in the municipal corporation drainage line.
11	That the Respondent No. 3 and 4 several times issued the various notices to the Respondent No. 1 but till date the Respondent No. 1 failed to carry out the non-compliances mentioned in the notices. (Copy of warning notice dated 21.09.2017 issued by Respondent No. 4 is annexed and marked herewith as <b>(Annexure D)</b> )	With reference to para (11), I say and submit that action is been taken as mentioned in para (7) and (8). Furthermore, 1) Dry and wet waste is collected, segregated at source and transported by the outsourcing agency on regular basis; 2) The bio-medical like including dressings, IV sets, gloves, syringes, blood bags, protective gowns, operated parts, infected material etc. are separately collected, transported and incinerated by the outsourcing agency; 3) The linen like clothing, bed sheets, surgical gowns are treated with disinfectant and then washed in the laundry; and 4) the washrooms in wards, ICU and casualty and corridors and postmortem room are dry and wet cleaned with disinfectant solution on routine basis. From the above facts, it is clear that the above dangerous infected waste (particularly mentioned at 2 and 3) is not at all drained in the municipal corporation drainage line.
12	That the Respondents have not taken any cognizance of the complaint of the Applicant till now the said hospital of Respondent No. 1 is in operation.	With reference to para (12), I say and submit that cognizance of the complaint of the applicant is taken and action is been taken as mentioned in para (7) and (8).
	<b>GROUNDS:</b> The Applicant is constrained to prefer the present Application and approach this Hon'ble Tribunal on following amongst other grounds A) The Respondent No. 1 herein is clearly violating the environmental laws and operating the said hospital without having necessary consent and permission from the respective authorities. Also violated Bio- Medical Waste (Management and Handling) Rules, 2016, as well as Water	With reference to para, I say and submit that, the process of setting up of STP plant is in process. The disposal of Bio-medical waste is outsourced. The process of obtaining permission from MPCB is in process. The PVPGH Sangli will take due care in this regard and the rules laid down by MPCB and Bio-Medical Waste Management, Rules 2016 will be meticulously followed.

(Prevention and Control of Pollution) Act, 1981.

B) Due to illegal dumping of the untreated effluents from hospital of Respondent No. 1 the permanent, irreversible damage caused to the environment and ecology of the river Krishna.

C) The Respondent No. 1 has shown its complete inaction on their part for the said issue and insensitive towards environment.

D) The inaction on the part of the Respondents clearly depicts that casual and lethargic approach towards the duty which has been embedded upon them to save guards the interest of the environment.

E) That the Respondent No. 1 has not setup any STP or ETP in the industry hence the Respondent No. 1 discharging untreated effluents in the municipal drain which flows into river Krishna for a - period of more than fifteen years with the due knowledge and collusion of the regulatory agencies and with the permanent, irreversible damage caused to the environment and ecology of the river Krishna system.

F) That the Respondent No. 1 illegally run the hospital without the permission from concerned government authorities till now.

G) The Respondent No. 3 ought to have acted in accordance to the ratio laid down by the Honourable Principal Bench in the case of Wassan Singh State of Punjab and closed the unit as the same was operating without consent.

Further, I say and submit that PVPGH is a teaching hospital and provide healthcare services to Sangli and nearby district including people from North part of Karnataka. All health services are provided on round the clock basis. People who are below poverty lines (BPL) and senior citizens are treated free of cost and other people are treated in minimal rate. This is a Government hospital and teaching institute. It is assured to the honourable Tribunal that due care in this regard will be taken.

13 The Applicant has no other efficacious remedy except to file the present application and the relief as prayed for herein be granted.

With reference to para (13), I say and submit that it is a legal submission which is matter of record

14 The Applicant has not filed any other application with regards to the subject matter of this application either in this Hon&#39;ble Tribunal or in other Court

With reference to para (14), I say and submit that it is a legal submission which is matter of record

	or in Honourable Supreme Court of India.	
15	The Applicant has paid the requisite court fee by way of online payment on this application.	With reference to para (15), I say and submit that it is a legal submission which is matter of record
16	<p><b>LIMITATION</b></p> <p>Respectfully submitted that as per the Section 15 of the National Green Tribunal Act, 2010 the said original application is filed within limitation. The first cause of action for filling the present Application arose when the Applicant filed a complaint via letter dated 26.05.2022 wherein it has mentioned that the Respondent No. 1 is operating hospital without the consent. The cause of action again arose when Respondent No. 3 issued warning notice dated 14.10.2022 to the Respondent No. 1. Due to the non-compliance of warning notice dated 14.10.2022 it is continuous cause of action. The cause is arising day by day on account of inaction on the part of Respondents wherein the Respondent No. 1 is making day to day violation of environment laws by Way of polluting environment.</p>	With reference to para (16), I say and submit that it is a legal submission which is matter of record
	<p><b>PRAYER</b></p> <p>The Applicant humbly prays before this Honourable that:</p> <p>I. That Honourable Tribunal be pleased to direct the Respondent No. 1 to comply the non-compliances in pursuance of warning notice dated 14.10.2022 issued by the Respondent No. 4 on immediate basis and restitution of the environment.</p> <p>II. That Honourable Tribunal be pleased to direct the Respondent No. 3 and 4 to shut down operations of hospital of Respondent No. 1 as they are operating the hospital without valid consent and on failure of non-compliance of warning notice dated 14.10.2022 issued by the Respondent No. 4.</p>	Taking into consideration above mentioned facts and circumstances, it is most humbly prayed that the present O.A. may kindly be dismissed. Hence this affidavit.

III. That Honourable Tribunal be pleased to order appoint an expert committee consisting member of Respondent No. 2 to 5 to quantify the environmental losses done by the Respondent No. 1 by its activities carried out in by the hospital which may be recovered from Respondent No. 1.

IV. That Honourable Tribunal be pleased to direct the Respondent No. 2 to take appropriate action against the officers Respondent No. 3 and 4 for their gross dereliction duty keeping check on non-compliances and for failure to take appropriate action against such non-compliances of the Respondent No. 1.

V. Cost of appropriate penalty for environmental pollution may kindly be directed to Respondent No. 1.

VI. That Honourable Tribunal be pleased to direct issue notice to all the Respondents;

VII. Cost of the present Application may kindly be awarded to the Applicant.

VIII. Any other reliefs as this Hon. Tribunal deems fit in the interest of the protection of environment. And for this act of kindness and justice the applicant shall over remain obliged.

**Verification**

Dr. Sandeep B Satpute ..... do hereby state on solemn affirmation those contents in para numbers 1 to 12 of the affidavit are true to the best of my knowledge and information derived from the records and files maintained in the office and I verify the same to be true. I say that I have not suppressed any material facts from this Honourable Tribunal.

Solemnly affirmed at Mumbai  
This day of September 2023  
05.12.2023

Deponent  
Before me on behalf of  
The Deem P.V. P.G.H  
Sangli