

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH PUNE AT PUNE .

ORIGINAL APPLICATION NO.69 OF 2022

Sunil Pharate

.. **APPLICANT**

V/S

State of Maharashtra
And others

.. **RESPONDENTS**

REPLY ON BEHALF OF
RESPONDENT NO.11

MAY IT PLEASE THE HON'BLE TRIBUNAL

THE RESPONDENT NO.11 MOST RESPECTFULLY SUBMITS

THAT :-

01. At the outset, the Statements and averments made in the Original application are not admitted by this Respondent No.11 and the same are denied in toto. The Original Application filed by the Applicant is not maintainable at all and is liable to be dismissed with costs. The Respondent No.11 in the present proceedings denies everything that is contrary what is stated therein and/or inconsistent therewith as if the same is set out in extenso and traversed. The Respondent No.11 submits that, nothing not expressly admitted herein ought to be taken as admitted by the Respondent No.11 or be deemed to have been admitted by the

Respondent No.11 for want of specific traverse. The Respondent No.11 states that for the purpose of gravity, the Respondent No.11 is not denying each and every allegation, statement and contention of the Applicant which is ex-facia contrary to the contention of Respondent No.11 and its stand in the present case except to the extent that such allegation, statement or contention necessitate, cogent, warrant or reply.

PRELIMINARY OBJECTION

02. The Respondent No.11 submits that the Applicant is not herein an aggrieved party within the meaning of the provisions of National Green Tribunal Act, 2011 and has not stated in the present Application that, what grievance he has against the present Respondent No.11. The Applicant has also failed to make out the substantial question relating to the environment under the provisions Sec.2(m) of the NGT Act, 202011. The Hon'ble Supreme Court in the Judgement of '*Uday Welfare Trust Vs. State of U.P.*' has clearly held that, this Hon'ble Tribunal has to consider the bonafide of the litigant approaching the Hon'ble Tribunal as the question of operation of Industry and employment of numerous employees is depending on the order of this Hon'ble Tribunal. The Applicant herein is the clearly interested litigant and thus, has

filed the present application to harass the present Respondent No.11 with an ulterior motive and on this count alone, the present original Application is required to be dismissed with costs. The present Application has been filed by the Applicant on the basis of the newspaper clippings dated 12/07/2022 to 14/07/2022, which are annexed to the Original Application being Annexure 'D'.

03. The Respondent No.11 submits that, the Respondent No.11 is a Sugar Factory, situated at Walva, Dist. Sangli. The activities of the Respondent No.11 Sugar Factory are seasonal activities and is operating from the Month of 10th September to 10th June every year. The Incident, as alleged by the Applicant in the present application thus cannot be attributed to the present Respondent No.11 as at the time of occurrence of the incident, the operations of the present Respondent No.11 was not in functional. It is further submitted that, the plant of the Respondent No.11 is situated at the 5 Kms from the River Krishna and it is impossible to discharge the water into the river. The application is alleging that the industries situated on the bank of River Krishna are indulging into pollution. The Respondent No.11 is not located at the bank of the river. Hence, the present Application is filed only for indulging into

fishing and rowing activity to gather the material and framed the present Respondent under one pretext or others.

FACTS OF THE CASE

04. The Respondent No.11 is situated at Walva, Dist. Sangli and the Respondent No.11 is having valid Consent to Operate received from the MPCB. The Respondent No.11 is also having an operational affluent treatment plant and that there is no water, which is being discharged outside the premises of the present Respondent and thus, there is no question of the water being discharged untreated into river Krishna. The Hon'ble Tribunal had appointed a Joint Committee vide order dated 24/8/2022 in the present case and the Committee visited to the Plant of the Respondent and submitted its Report. In the said Report, it has been observed that, there are certain recommendations recommended. The Respondent No.11 has already carried out the clearance of sludge as recommended by the Committee. The Respondent No.11 has also communicated the same to the Respondent No.4. Copy of the said letter as communicated to the Respondent No.4 is annexed hereto and marked as **ANNEXURE – R-1.**

05. In view of the circumstances stated herein above, the present Original application is required to be dismissed with costs.

PUNE

DATE 28/08/2023

A handwritten signature in blue ink, appearing to read 'S. S. K. K. K.', is written over a horizontal line.

ADVOCATE FOR RESPONDENT NO.11

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****AT PUNE**

Original Application No.69/2022 (WZ)

SUNIL PHARATE

APPLICANT

V/s

STATE OF MAHARASHTRA

AND OTHERS

RESPONDENTS

AFFIDAVIT IN SUPPORT OF REPLY**MAY IT PLEASE THE HON'BLE TRIBUNAL**

I, Babaso Shripati Mane, adult, Incharge Managing Director of the Respondent No.11, having office at Nagnathanna Nagar, Taluka Walwa, District Sangli, do hereby state on solemn affirmation as under: -

1. I say that I am the Incharge Managing Director of the Respondent No.11 and am authorized to file the present Affidavit. I say that I am aware of the facts and circumstances of the present case and hence am able to depose the same on oath.
2. I say that the Respondent No.11 herein has filed the present reply to the Original Application. I say that the contents of the said Reply and the present affidavit are true and correct to the best of my knowledge, information, belief and the legal advice which I believe to be correct.



WHATEVER stated herein above is true and correct to the best of my knowledge and belief and for the same I have signed hereunder at Islampur on 20th day of March, 2023.

Deponent

MANAGING DIRECTOR
Padmbhushan Krantiveer Dr. Nagnath Anna Nayakwadi
Hutatma Kisan Ahir Sahakari Sakhar Karkhana t.t.d.
Nagnath Annanagar, Walwe, Tal. Walwe, Dist. Sangli.



Shri Babasaheb Shripati Mane P/o-walwa Tal-walwa Dist-Sangli

do swear in the name of God
that this is my name & signature
solemnly affirm that the contents
of this affidavit are true

Signature of Deponent Identified by me Signature of Notary Page Nos.-

ARVIND B. PATIL
B.A., LL.M
Advocate & Notary, State of Maharashtra
'Laltara', ISLAMPUR, Dist.Sangli.
Mob. 9822051177



Noted and Listed at
Sr.No. 12 Of Notarial
Registered Dated 20/3/2023
Document Pages. 2

The Regional Officer,
Maharashtra Pollution Control Board, **ANNEXURE - R-1**
"Udyog Bhavan", Near Collector Office,
Kolhapur - 416 003.
Fax No: (0231)- 2652952. Email : rokolhapur@mpcb.gov.in

Sub :- Replay to Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M.H. & T) Rules, 2008 as amended

Ref :- Your letter No.MPCB/RO/KOP/PDI/2301110009 dt. 11/01/2023

Dear Sir,

With reference to the above Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (M.H. & T) Rules, 2008 as amended we are submitting the compliance as below.

- 1) We have received adequacy assessment report of the existing our E.T.P. form the Walchand Collage of Engineering Sangli & copy of the same enclosed for your ready reference. The suggestion given in the report shall be implemented during the off season as it would take time of obtain the quotations & machinery & also to carry out the civil work. In any case we shall be implementing the suggestion the before the start of the next crushing season 2023-24.
- 2) We shall be providing tertiary treatment system as per the E.T.P. up gradation proposals suggested by Walchand Collage of Engineering Sangli

In view of above steps taken you are requested to give us time for implementation up to the end of 30th Sept. 2023

Thanking you,

Yours faithfully,

Encl :- As above.

(B.S.Mane)
I/c. Managing Director.

Copy to :-

- 1) **The Member Secretary,**
Maharashtra Pollution Control Board,
Kalptaru Point, 3rd & 4th Floor,
Sion Matunga Scheme Road No.8,
Opp Cina Planet Cinema, Near Sion Circle,
Sion (East), Mumbai - 400 022. (India).
- 2) **The Sub Regional Officer,**
Maharashtra Pollution Control Board,
300/2, Udyog Bhavan, Near Govt. Rest House,
Vishrambag, SANGLI - 416 415. Email : srosangli@mpcb.gov.in

c.c.to: Mfg./Acct/M.F./

To

The Regional Officer,
Maharashtra Pollution Control Board,
"Udyog Bhavan", Near Collector Office,
Kolhapur – 416 003.

Fax No: (0231)- 2652952. Email : rokolhapur@mpcb.gov.in

Sub :- Replay to Proposed Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981

Ref :- Your letter No.MPCB/ROKOP/PD/2301110012 dt. 11/01/2023

Dear Sir,

With reference to the above Directions under section 33 A of Water (Prevention & Control of Pollution) Act, 1974, 31 A of Air (Prevention & Control of Pollution) Act, 1981 as amended we are submitting the compliance as below.

- 1) The distillery spentwash stored in 30 day storage tank is 90% consumed in our composting process & only sludge remaining at the bottom of 30 day storage tank. The leachate in the leachate pit at the compost yard is also finished. The photograph taken of 30 day storage tank & leachate pit is enclosed your ready reference.
- 2) The desludging will be done during the summer season so that the drying operations will be faster. The dried sludge stored & composted during the season 2022-23
- 3) The entire concentrated spent wash is now consumed in composting operation on daily bases & thus there would not be additional spent wash generated for storage in 30 day storage tank.
- 4) As has been already mentioned in point No.2 the dry sludge shall be composted with pressmad to prepare bio compost.

In view of above steps taken we humbly request you to permit us to continue distillery operations other wise the storage of molasses would arise & which ultimately affects the operations of sugar unit. Where by the farmers would be financially effected as there sugar cane may not able to get processed.

Thanking you,

Yours faithfully,

Encl :- As above.

Copy to :-

- 1) **The Member Secretary,**
Maharashtra Pollution Control Board,
Kalptaru Point, 3rd & 4th Floor,
Sion Matunga Scheme Road No.8,
Opp Cina Planet Cinema, Near Sion Circle,
Sion (East), Mumbai – 400 022. (India).
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(B.S.Mane)
I/c. Managing Director.

Padmabhushan Krantiveer

Dr.Nagnathanna Nayakawadi Hutatma Kisan Ahir

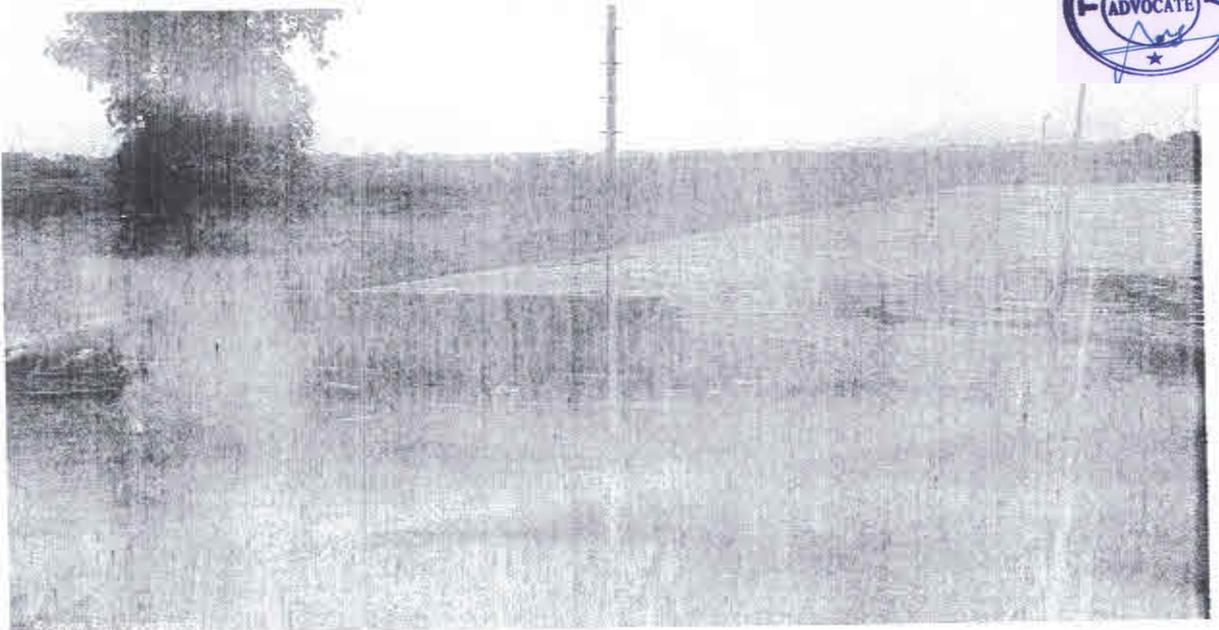
Sahakari Sakhar Karkhana Ltd.,Nagnathannanagar Walwe,

Taluka -Walwa, District - Sangli.(Maharashtra State)

Photograph



Spentwash 30 Day Storage Tank
as on 17/01/2023



Compost Yard Leachate Collections Tank