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**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL AT NEW DELHI, (WESTERN ZONE)
BENCH AT PUNE**

ORI. APPLICATION: 22/2023

APPLICANTS : Amol Abhimanyu Shinde & Ors

Vs

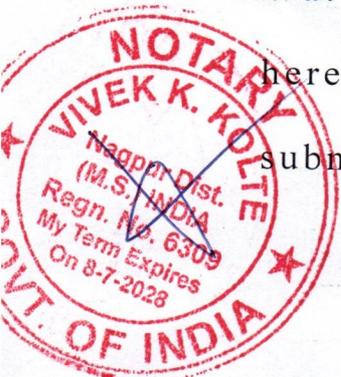
RESPONDENTS: Maharashtra Pollution Control
Board & Ors

**REPLY ON BEHALF OF THE CENTRAL GROUND
WATER AUTHORITY THE RESPONDENT NO.2
HEREIN**

Most Respectfully showeth,

The Respondent No.2 in the instant matter most humbly submits;

1. That in response to the instant Application preferred by the Applicant under section 14, 15 & 18 of the National Green Tribunal Act, 2010, The Central Ground Water Authority (the Respondent No.2 herein and hereinafter referred to as an Answering Respondent) submits its para wise reply to the averments in the



Application which be considered without prejudice to one another.

2. Central Ground Water Authority (CGWA) (Answering Respondent) constituted under sub- Section (3) of Section 3 of the Environment (Protection) Act, 1986 in 1997 to exercise the power under section 5 of the Environment (Protection) act, 1986 (29 of 1986) for the purposes of regulation and control of Ground Water management and development and to exercise certain powers and perform certain functions relating thereto; The Authority has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure projects or Mining Projects etc., and framed guidelines in this connection from time to time applicable in seventeen States and two Union territories, where ground water development is



not being regulated by the State Government and Union territory administration concerned.

3. To have sustainable management of water resources in the country groundwater abstraction guidelines have been prepared to regulate groundwater extraction and conserve the scarce groundwater resources in the country.

4. In pursuance to the notification of guidelines issued by the Ministry of Jal Shakti dated 24/09/2020 and amendment dated 29/03/2023, it is obligatory upon all the new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting projects abstracting ground water unless exempted under the notification to seek the No Objection Certificate from the Answering Respondent or, the concerned State/UT Ground Water Authority as the case may be. This is also obligatory upon the Residential Apartments/Group Housing Societies/Govt Water supply agencies in urban areas.



5. As to paras 1 to 5: The contents of these paras being the matter of record need no reply.

6. As to paras 6 to 8: The contents of these being the matter of record are not disputed. It is reiterated that the Answering Respondent Central Ground Water Authority has been entrusted with the responsibility of regulating and controlling ground water development and management in the country and issuing necessary directives for the purpose.

7. As to para 9: The Answering Respondent submits that from the documents & the information available it could be gathered that it was obligatory upon the Respondent Nos. 8 & 9 to obtain the 'No Objection Certificate' from the Answering Respondent in view of the Notification dated 24/09/2020 issued by the Ministry of Jal Shakti. However, Respondent Nos. 8 & 9 neither had obtained the No Objection Certificate nor applied for it with the Answering Respondent & accordingly violated the guidelines issued by the Ministry of Jal Shakti.



8. Therefore, the Answering Respondent had issued advisory to the Respondent Nos. 8 & 9 on 19/07/23 directing 'to apply for NOC for Ground water abstraction at the earliest through Online Portal of CGWA (cgwa-noc.gov.in) failing which, Environmental Compensation will be imposed for illegal withdrawal of ground water and strict action as deemed fit shall be taken as per extant guidelines of Ministry of Jal Shakti, Department of Water Resources, River Development & Ganga Rejuvenation, Govt of India.'

9. As there was no response to the advisory from the Respondent Nos. 8 & 9, an officer was deputed by Regional Director, CGWB, CR to visit the site. The officer personally visited the site of the Respondent Nos. 8 & 9 and had found that the Respondent Nos. 8 & 9 are abstracting the ground water from one Dug Well since March-2023 @ 25 m³/day out of which 5 m³/day is being used by Rehansh Foods (Respondent No.9) when it faces water scarcity due to the non-supply of water from Manchar Nagar Panchayat for washing and cleaning



purpose and 20 m³/day water is being used by M/s Akash Dairy Farm (Respondent No.8) for which they (Respondent Nos. 8 & 9) have not obtained No Objection Certificate from the Answering Respondent. The copy of the Action Taken Report submitted by Shri SD Waghmare, Scientist - C is annexed hereto and marked as ANNEXURE – R2-A.

10. It is further submitted that the Answering Respondent on 05/09/23 issued letter to District Collector, Pune for illegal Withdrawal of Ground Water by Respondent Nos. 8 & 9 and also requested to initiate the necessary legal action against Respondent No. 8 & 9. The copy of letter dated 05/09/23 is annexed hereto and marked as ANNEXURE-R2-B.

11. It is further submitted that the Respondent Nos. 8 & 9 are also liable for the penalty as stipulated as stipulated under section 15 & 16 of The Environment Protection Act, 1986.



Pune:

Dated:

Barahate
23/11/24
For Central Ground Water Authority

Ail & Sach. (Respondent No.2)

Counsel for Respondent No.2

Solemn Affirmation

I **Pournima Barahate**, D/o **Tarachand Barahate**, aged about **39** yrs, Occu: Service, R/o **Central Ground Water Board**, do hereby take oath and state on solemn affirmation:

That I am working as a **Reviewing officer** with the Central Ground Water Authority the Respondent No.2 herein. I am conversant with the facts of the present case and therefore able to depose the same.

I say that the Counsel as per my instructions has drafted the above Reply. I have gone through the contents of the above said Reply and understood the same. I say that the contents of the Reply are true to my knowledge and as per the records of the Authority which I believe



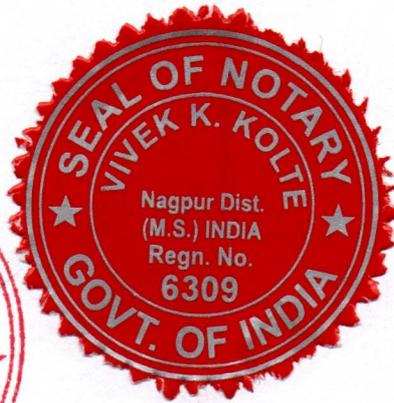
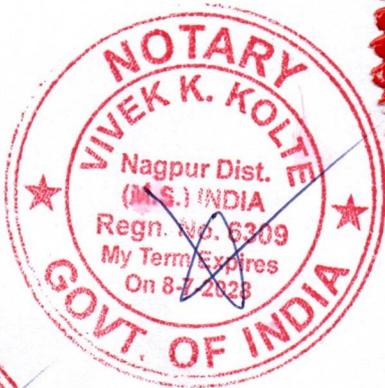
to be true. As far as the legal submissions herein are concerned the same are correct as advised by my counsel. The contents of the Reply are explained to me in vernacular which I found to be correct. Hence, signed and verified at Nagpur on this 23rd day of Jan, 2024.

Barabate
Deponent

I know & Identify the Deponent

Atul Pathak

(Atul J Pathak)
Advocate



SWORN SOLEMNLY AFFIRM
BY Pournima Barabate D/o
Balachand Barabate
WHO IS PERSONALLY KNOWN
TO ME / IDENTIFIED BY
ADV. Atul J Pathak
BEFORE ME THIS THE 23rd
DAY OF Jan, 2024
AT NAGPUR

Vivek K. Kolte
23/01/24
VIVEK K. KOLTE
NOTARY
NAGPUR DISTRICT
(M.S.) INDIA



CGWB/ SUO/Pune

Date: 18/08/2023

Action Taken Report

As desired, conducted site inspection of **M/S Rheansh Foods**, located at Manchar, Ambegaon, Pune, Maharashtra on 16/08/2023. Prior to commencing the inspection, discussion was held with Ms Shubangi Lohani, Scientist-B and OIC, CGWA Section, Nagpur. She informed that contact details are not available for communication over telephone. Thereafter it is decided that visit may be made directly without intimating the firm. With this note, initiated the inspection, by locating the firm which is situated on Pimpalgaon Road, Manchar Village, Ambegaon Taluka, Pune 410503.

Before actual spot inspection discussion was held with Sh Sanjay Thorat, Founder Chairman and Mr. Akash Thorat, Managing Director (Mob No. 9960027140). They informed that the company was established in the year 1998 under the name of Vignahar Dairy Pvt. Ltd. (Now Akash Dairy Farm) to cater local milk businesses and to support farmers and thereafter they have started a flavored milk manufacturing unit in the same premises in the name of **M/S Rheansh Foods**. Starting with just 500 litres of milk, the company has only seen upward growth since then and went on to collect 40,000 litres of milk every day from 3 talukas Ambegaon, Junner and Akole. Discussion also takes place on requirement of water, source of water supply for the preparation of various products and details of ground water abstraction structures in the premises.

Mr. Akash Thorat, Managing Director, Representative of PP informed that area comes under Industrial Backward Zone and classified as D-zone so the industry does not have MIDC source of water supply. The source of water supply available is only through water tankers and local government bodies. When asked to show the relevant documents the PP have submitted the payment receipt of purchase of water from tanker of dated 06.06.2023 (Copy Enclosed) and also shown the receipt of payment of water supply charges of Manchar Municipal Council (Nagar Panchayat), Pune District of dated 16/03/2023 (Copy Enclosed).

The PP informed that the industry is having one dug well (Ancestral Property), which is located 1 km south of the industry and was under family dispute, now after the division of their family the ownership of the dug well comes to PP in 2023 and its further legal process of ownership is going on. **He further informed that PP is abstracting the groundwater from the dug well @ 25 m³/day out of which 5 m³/day is supplied to their own adjacent unit M/S Rheansh Foods for washing and cleaning purpose.** when they face water scarcity due to non-supply of water from Manchar Nagar panchayat. Actual spot visit of the dug well is accomplished during the inspection.

The Representative of PP reiterated that the firm was not aware about to obtain NOC from CGWA, they will come to know about obtaining NOC only after the receipt of letter no 7/29/CGWB/CR/Authority-2862 of dated 19/07/2023 from Regional Director, CGWB, CR, Nagpur. Now the firm have initiated the process to obtain NOC and they are now waiting for MPCB consent letter.

In this regard it is to state that, the project Proponent **M/S Rheansh Foods**, at Post Manchar, Tahsil Ambegaon, District Pune is having Groundwater Abstraction Structure shared with MS Akash Dairy Farm in the form of 01 (One) Dug Well and the abstracting the groundwater from the dug well @ 25 m³/day **out of which 5 m³/day they receive from MS Akash Dairy Farm for washing and cleaning purpose.** when the they face water scarcity due to non-supply of water from Manchar Nagar panchayat and has **not obtained NOC from CGWA, CR, Nagpur as per the online records of CGWA.**


(S. D. Waghmare)
Scientist-C

Action Taken Report

As desired, conducted site inspection of **M/S Akash Dairy Farm**, located at Manchar, Ambegaon, Pune, Maharashtra on 16/08/2023. Prior to commencing the visit discussion was held with Ms Shubangi Lohani, Scientist-B and OIC, CGWA Section, Nagpur. She informed that contact details are not available for communication over telephone. Thereafter it is decided that visit may be made directly without intimating the firm. With this note, initiated the inspection, by locating the firm which is situated on Pimpalgaon Road, Manchar Village, Ambegaon Taluka, Pune 410503.

Before actual spot inspection discussion was held with Sh Sanjay Thorat, Founder Chairman and Mr. Akash Thorat, Managing Director (Mob No. 9960027140). They informed that the company was established in the year 1998 under the name of Vignahar Dairy Pvt. Ltd. (Now Akash Dairy Farm) to cater local milk businesses and to support farmers. Starting with just 500 litres of milk, the company has only seen upward growth since then and went on to collect 40,000 litres of milk every day from 3 talukas Ambegaon, Junner and Akole. Discussion also takes place on requirement of water, source of water supply for the preparation of various products and details of ground water abstraction structures in the premises.

Mr. Akash Thorat, Managing Director, Representative of PP informed that area comes under Industrial Backward Zone and classified as D-zone so the industry does not have MIDC source of water supply. The source of water supply available is only through water tankers and local government bodies. When asked to show the relevant documents the PP have submitted the payment receipt of purchase of water from tanker of dated 06.06.2023 (Copy Enclosed) and also shown the receipt of payment of water supply charges of Manchar Municipal Council (Nagar Panchayat), Pune District of dated 16/03/2023 (Copy Enclosed).

The PP informed that the industry is having one dug well (Ancestral Property), which is located 1 km south of the industry and was under family dispute, now after the division of their family the ownership of the dug well comes to PP in 2023 and its further legal process of ownership is going on. He further informed that the PP is abstracting the groundwater from the dug well @ 25 m³/day, when the PP face water scarcity due to non-supply of water from Manchar Nagar panchayat. Actual spot visit of the dug well is accomplished during the inspection.

The Representative of PP reiterated that the firm was not aware about to obtain NOC from CGWA, they will come to know about obtaining NOC only after the receipt of letter no 7/29/CGWB/CR/Authority-2862 of dated 19/07/2023 from Regional Director, CGWB, CR, Nagpur. Now the firm have initiated the process to obtain NOC and they are now waiting for MPCB consent letter.

In this regard it is to state that, the project Proponent Akash Dairy Farm, at Post Manchar, Tahsil Ambegaon, District Pune is having Groundwater Abstraction Structure in the form of 01 (One) Dug Well and they are abstracting the groundwater from the dug well @ 25 m³/day when the they face water scarcity due to non-supply of water from Manchar Nagar panchayat and has **not obtained NOC from CGWA, CR, Nagpur as per the online records of CGWA.**


(S. D. Waghmare)
Scientist-C

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ANNEXURE-R2-B

भारत सरकार जलशक्ति मंत्रालय जलसंसाधन, नदीविकास एवं गंगा संरक्षण विभाग केन्द्रीय भूजल प्राधिकरण	  	Government of India Ministry of Jal Shakti Department of Water Resources, River Development & Ganga Rejuvenation Central Ground Water Authority
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दिनांक / Date: 05-09-2023

संख्या / No. 7/29/CGWB/CR/Authority- 3094

To,

The District Collector

Collectorate Office

New Collector Office Building, Opposite Sassoon Hospital, Railway Station Rd
Pune, Maharashtra - 411 001**Sub: Illegal Ground Water Withdrawal by M/s. Akash Dairy Farm and M/s. Rheansh Foods- reg./**

Sir,

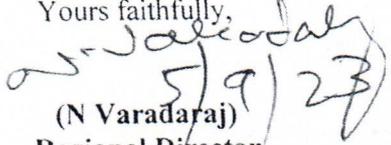
With reference to the above subject, it is to inform that the firm **M/s. Akash Dairy Farm and M/s. Rheansh Foods**, partnership firms having address Sr. No. 122/2, 123/2A, pimpalgaon Road, at manchar, taluka: Ambegaon, District: pune-410503 abstracting illegal ground water. In this regard, it is to inform that the firm has not applied for NOC for ground water withdrawal to CGWA. Earlier show cause notice was issued to the industry on dt.19/07/2023, however, no response has been received till date.

During the site inspection of the team constituted by honorable National Green Tribunal (NGT), it has come to the notice of CGWA that the firm is operating without valid No Objection Certificate for ground water withdrawal and is withdrawing ground water unlawfully, which has been viewed seriously by the honorable NGT.

As per the new notified guidelines of CGWA ([link-http://cgwa-noc.gov.in/LandingPage/LatestUpdate/NewGuidelinesNotified250920.pdf#ZOOM=100](http://cgwa-noc.gov.in/LandingPage/LatestUpdate/NewGuidelinesNotified250920.pdf#ZOOM=100)) and CGWA, New Delhi order dated 23-10-2017, the District Collectors / Deputy Commissioners are authorized to initiate legal action in case of violation like sealing of illegal wells, launching of prosecution against offenders etc., including grievance redressal related to ground water. In this regard, it is requested that to take necessary legal action against M/s. Akash Dairy Farm and M/s. Rheansh Foods under your jurisdiction and action taken report may be communicated to this office.

Encl: As above

Yours faithfully,


 (N Varadaraj)
 Regional Director

Copy to:

1. **M/s. Akash Dairy Farm and M/s. Rheansh Foods**, partnership firms having address Sr. No. 122/2, 123/2A, pimpalgaon Road, at manchar, taluka: Ambegaon, District: pune-410503 **apply for CGWA NOC immediately**
2. The Member (CGWA), 18/11, Jamnagar House, Mansingh Road, New Delhi.

(N Varadaraj)
Regional Director

Central Ground Water Board, Central Region, New Secretariat Building, Civil Lines, Nagpur - 440 001
 Phone: 0712 - 2565314, 2534415, 2553570, 2564391 (Fax), email: rder-cgwb@nic.in, tser-cgwb@nic.in,
 Website: www.cgwb.gov.in

स्वच्छ सुरक्षित जल - सुन्दर खुशहाल कल

CONSERVE WATER - SAVE LIFE