

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

ORIGINAL APPLICATION NO. 24/2026 (WZ)

IN THE MATTER OF: -

GANESH DADARAO ANASANE

APPLICANT

VERSUS

M/S. RATTANINDIA POWER LTD. & ORS.

RESPONDENTS

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Place: Pune

Date: 09/04/2026



Pratik D. Bharne
(Pratik D. Bharne)

Regional Director

क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env't. Forest & Climate Change, Gov't of India
सर्वे नं. ११०, हीराबाई धनकुडे हॉल, बाणेर रोड, बाणेर, पुणे - 411045
Sr. No. 110, Hirabai Dhankude Hall, Baner Road, Baner, Pune-411045

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REPLY ON BEHALF OF RESPONDENT NO. 03,
CENTRAL POLLUTION CONTROL BOARD (CPCB)


1. That, the Hon'ble National Green Tribunal, Western Zone Bench (WZ), Pune (hereinafter referred to as "Hon'ble NGT") vide its order dated 11/03/2026 in Original Application (hereinafter referred to as "OA") No. 24/2026 (WZ) has sought the reply of the Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, at the outset, the Answering Respondent (CPCB) denies all claims, contentions, allegations, and averments against the Answering Respondent i.e. CPCB, in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.
3. That, it is humbly submitted that, CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred as Water Act 1974). It performs the functions under The Water Act



1974, The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred as Air Act,1981) and The Environment (Protection) Act, 1986 (hereinafter referred as EPA, 1986).

4. That, OA has been filed by the applicant about issue of operation of a Coal based Thermal Power plant by M/S Rattan India Power Ltd at Amravati Industrial area, District Amravati. The alleged dependence on coal by the unit resulted into increased air pollution impacting the residents. Further, the applicant is seeking direction from Hon'ble tribunal that direction may be issued to the unit to comply with Rule 18 of the Solid Waste Management Rules, 2016 (SWM Rules,2016) by ensuring replacement of at least 5% of its fuel requirement with Refuse Derived Fuel (RDF). It is also alleged that SWM Rules,2016 has also been violated by the unit by not replacing the fuel with RDF wherein substitution is mandated as 6-15% in six years' period.

5. That, Ministry of Environment, Forest and Climate Change (hereinafter referred as MoEF&CC) in exercise of the powers conferred under the Environment (Protection) Act, 1986 had notified the Solid Waste Management Rules, 2016 (hereinafter referred to as "SWM Rules, 2016") vide Gazette Notification dated 08.04.2016. The said Rules provided a comprehensive regulatory framework for the generation, segregation, collection, storage, transportation, processing and disposal of solid waste. SWM Rules, 2016 delineate the duties and responsibilities of various stakeholders including CPCB, SPCBs/PCCs, Urban Local bodies (ULBs), State Governments and other agencies involved in the management of solid waste. These obligations aimed at ensuring environmentally sound and legally compliant mechanisms for solid waste management. Copy of SWM Rules, 2016 is also available on CPCB website at link https://cpcb.nic.in/uploads/MSW/SWM_2016.pdf.

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6. That, as per Rule 18 of SWM Rules, 2016, all industrial units using fuel and located within one hundred km from a solid waste based RDF plant shall make arrangements to replace at least five percent (5%) of their fuel requirement by RDF so produced.
 7. That, as per Rule 21 of SWM Rules, 2016, non-recyclable waste having calorific value of 1500 K/cal/kg or more shall not be disposed of on landfills and shall only be utilized for generating energy either or through RDF or by giving away as feed stock for preparing RDF. The high calorific waste shall be used for co-processing in cement or thermal power plants.
 8. That, it is humbly submitted that, preparation of State Policy and Strategy on Solid Waste Management, including waste reduction, reuse, recycling, recovery and optimum utilization of various components of solid waste, preparation of a solid waste management plan, setting up material recovery facilities (MRFs) or secondary storage facilities with sufficient space for sorting of recyclable materials and facilitate construction and operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency adopting suitable technology such as bio-methanation, microbial composting, vermi-composting & waste to energy processes including RDF for combustible fraction of waste or supply as feedstock to solid waste-based power plants or cement kilns are collective mandated responsibility of Urban Development Department (UDDs) and Urban Local Body (ULBs) under Rule 11 & 15 of SWM, Rules, 2016. Further concerned SPCB/PCC is mandated to enforce the provisions of these rules under Rule 16 of SWM, Rules, 2016.
 9. That, it is humbly submitted that, SPCBs/PCCs have been constituted in States/UTs under Water Act, 1974 and Air Act, 1981 and empowered to perform the functions & implement the provisions of Act under section 25 of Water Act, 1974 & under section 21 of Air Act, 1981, any establishment



discharging wastewater/emission including power plant shall take prior Consent to Establish (CTE)/ Consent to Operate (CTO) form respective SPCB/PCC and operate as per the consent conditions. The SPCB/PCC is empowered to enforce consent conditions.

10. That, MoEF&CC notified the Solid Waste Management Rules, 2026 (SWM Rules, 2026) under the Environmental (Protection) Act, 1986 vide Notification No. S.O. 388 (E) dated 27.01.2026 which come into effect from 01.04.2026, in supersession of SWM, Rules, 2016, to ensure environmentally sound management of solid waste in the country. Copy of SWM Rules, 2026 is also available on CPCB website at link https://cpcb.nic.in/uploads/MSW/SWM_2026.pdf
11. That, provisions w.r.t. preparation of State Policy and Strategy on solid waste management, setting up MRFs or secondary storage facilities, etc. and enforcement of the provisions of the rules are also laid down under SWM, Rules, 2026 and are collective responsibility of UDDs, ULBs and concerned SPCBs/PCCs under Rule 35, 39 & 41 of SWM, Rule, 2026 respectively.
12. That, as per Rule 11 (1) of the SWM Rules, 2026, the industrial units utilizing solid fuel shall use RDF or Segregated Combustible Fraction or agri-residue, as the case may be, as per the fuel substitution schedule from 6% to 15% in six years' period as stipulated in the Table under the Rule 11 of SWM Rules, 2026.
13. That, SWM Rules, 2026 also stipulated new responsibilities & duties of the District Magistrate or District Collector or Deputy Commissioner and one of the duties is to review the performance of local bodies, at least once in a quarter on waste segregation, collection, sorting, processing, treatment and disposal and take corrective measures in consultation with Department of Urban Development and Department responsible for local

self- government in urban areas as well as Department of Rural Development and Department responsible for Solid Waste Management in Rural Areas as stipulated under Rule 37 of SWM, Rules 2026.

14. That, it is humbly submitted that, response from concerned SPCB i.e. Maharashtra Pollution Control Board (MPCB) and concerned Municipal Corporation i.e. Amravati Municipal Corporation(AMC) may be helpful in adjudicating the matter by Hon'ble NGT.
15. That, in view of above and of the facts indicated in earlier paras, it is respectfully prayed that necessary directions may be passed in the interest of justice and the Answering Respondent submits that it shall abide by all orders or directions, passed by this Hon'ble Tribunal in the instant matter.
16. That, in light of the above submissions, this Answering Respondent No. 03 i.e. CPCB shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the present OA.



Pratik D. Bharne
(Scientist 'F' & Regional Director)
Central Pollution Control Board

क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune
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AFFIDAVIT

I, Pratik D. Bharne, working as Scientist 'F' & Regional Director in Central Pollution Control Board, Regional Directorate, Survey No. 110, Hirabai Dhankude Multipurpose Hall, Baner Road, Baner, Pune, do hereby solemnly affirm, declare on oath and state as under:

1. That the deponent is authorized representative to represent the Answering Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Answering Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the contents there of are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.


DEPONENT

क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
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VERIFICATION

Verified at Pune on this day... of April, 2026 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

DEPONENT – Respondent No.03

COUNSEL for Respondent No. 03

क्षेत्रीय निदेशक / Regional Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
क्षेत्रीय निदेशालय, पुणे /Regional Directorate, Pune
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Noted & Registered
At.Sr.No. 226/2026

BEFORE ME

MANISHA SAMEER CHITNIS
NOTARY
GOVERNMENT OF INDIA

09 APR 2026

