

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

ORIGINAL APPLICATION NO. 69 OF 2022 (WZ)

Sunil Pharate

.. **APPLICANT**

V/s

State of Maharashtra
And others

.. **RESPONDENTS**

**REPLY ON BEHALF OF
RESPONDENT No.10 & 11**

MAY IT PLEASE THE HON'BLE TRIBUNAL

THE ANSWERING RESPONDENTS MOST RESPECTFULLY

SUBMIT THAT :-

1. The Respondents are filing the present Reply in respect to the Affidavit dated 28.11.2023 filed by the Respondent Nos. 4 and 5, computing the Environment Damage Compensation (EDC) before this Hon'ble Tribunal.

2. The Respondent No.4 has failed to substantiate that the cause of killing of fish was attributable to the activities of the respondent Nos. 10 and 11. The EDC levied by the Respondent No.4 does not attribute that the activities of the present Respondents led to the killing of fish. These Respondents had already filed the detailed reply before this Hon'ble Tribunal and that the contents of the

same are adopted and affirmed in the present Reply and nothing shall be deemed to be admitted except so far they are expressly mentioned herein under.

3. The Respondent No.4 has undertaken an exercise of alleging that the present Respondents are liable to pay EDC. Without giving the material or without producing the same before this Hon'ble Tribunal has come to the conclusion that these Respondents are liable to pay the EDC. It is submitted that the Respondent No.4 has placed reliance upon the formula written by the In-house Committee of the CPCB and taking into consideration the factors has computed the said EDC. The Respondent No.4 has also failed to demonstrate the damage caused to the environment. The present Respondent had replied to the directions issued by the Respondent No.4, which it has failed to take into consideration and respond to. Copy of the said reply is annexed hereto and marked as **ANNEXURE – R-1.**

4. It is submitted that no justification has been given in the said formula. The Respondents in the earlier reply has already stated that the location of the Respondent is at distance of 25 km of river

Krishna and hence, it is not possible that that the present incident can be attributed to the activities of these Respondents.

5. In view of the facts narrated in the Reply dated 28th August 2023 and in the present Reply, the Original Application qua the present Answering Respondents may kindly be dismissed with costs.

PUNE

DATE: 12/02/2024

A handwritten signature in blue ink, appearing to read 'S. S. Sani', with a large flourish above the name.

ADVOCATE FOR RESPONDENT NO. 10 & 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, Ramchandra D. Mahuli, adult, Managing Director of the Respondent Nos.13 to 15, having office at Taluka Walwa, District Sangli, do hereby state on solemn affirmation as under: -

1. I say that I am the Managing Director of the Respondent Nos.13 to 15 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 Nos.13 to 15 herein has filed the present reply to the Affidavit dated 28th November 2023 filed by the Respondent Nos.4 & 5. 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

R.D. Mahuli on 12th day of February, 2024.

Solemnly affirmed before me by
Shri /Smt. R.D. Mahuli
Who is identified before me by
Shri./Smt. Self
Whom I personally known.

12 FEB 2024

BEFORE ME
R. V. KOPARDE
ADVOCATE & NOTARY
GOVT. OF INDIA, REG.No. 6727
MAHADEV NAGAR, ISLAMPUR- 415 409
TAL. WALWA, DIST. SANGLI (M.S.)

R.D. Mahuli
R. D. Mahuli
Managing Director
Rajarambapu Patil Sahakari
Karkhana Ltd. Rajaramnagar,
Walwa, Dist. Sangli. 415 414.

Noted & Registered
At Serial Numbers _____
Total Page No. _____



ANNEXURE-R-1

Ref no. Env.Engg. /MPCB/ 3335 /2023

Date – 14/03/2023

TO,
The Regional officer;
Regional office,
Maharashtra Pollution Control Board,
Udyog Bhavan, Kolhapur

Subject – Compliance made against Interim Direction under section 33A of the water (P & C of pollution) Act 1974 & rule made there under.

Reference: Your ID letter no MPCB/RO/KOP/ID/2303010004 date -01/03/2023

Dear Sir;

You have issued Interim Direction as per above refereed letter and we would like to inform you the steps taken against points mentioned in Interim direction as below,

- 1) We are utilizing Spentwash for composting process and our pressmud generation is more than spent wash generation.
- 2) We have consulted with Krushi Sanshodhan Kendra. K. Digraj, Tal Miraj, Dist – Sangli regarding reclamation of soil from old plots which are used for composting process. Letter is attached here with .We will start reclamation work after receiving of their report.
- 3) We have utilized spent wash from 06 small katcha lagoons and scrapped these lagoons in month of February and one remaining lagoon will be scrap in month of April.
- 4) Commissioning of CPU is in progress, Almost 70% work is completed. Plant will be in operation very soon.
- 5) All water stored on the empty compost plot is utilizing for composting process.
- 6) We are submitting Bank Guarantee of RS 5.00 Lakh to your office having B. G. no 0434IGPE000744723 drawn in Bank of Baroda Branch Kolhapur period up to 15/03/2024, as per your instruction.

We are regularly following your rules and regulations. We always follow your valuable instructions and guidelines and we assure you it in future also in view of our Environment Safety.

Thanking You,

R. K. Kulkarni
16/3/2023
REGIONAL OFFICE
M. P. C. BOARD
UDYOG BHAVAN
GR FLOOR NEAR COLLECTOR OFFICE
KOLHAPUR - 416 003

Yours Faithfully

R. K. Kulkarni
Managing Director

Copy to *N. Kulkarni*
20/03/2023
वरिष्ठ लिपिक,
S.R. Office MPCB, Sangli

Env.engg/MPCB/ 2841 /2023

Date - 07/01/2023

To

14 JAN 2023

Regional Officer

Regional Office, Maharashtra Pollution Control Board,

Udyog Bhavan, Near Collector Office

Kolhapur, 416003

Subject: Show cause Notice for non.compliance of consent conditions

Reference: Your show cause notice no.MPCB/RO/KOP/SCN/FTSO/03/2022 Date 28-12-2022

Dear Sir,

As MPCB has issued consent to operate for our existing distillery unit having 75 KLPD and consent to establish for our expansion of distillery from 75 to 150 KLPD. MOEFCC New Delhi has already issued Environmental clearance for the same. Zero Liquid Discharge (ZLD) after expansion will be MEE, incineration boiler and CPU for condensate treatment. Erection of the same is in progress and commissioning will start by the end of March 2023. We are clarifying the points mentioned in the show cause notice as follows,

- 1) Spent wash generation from existing distillery after evaporation plant (MEE) is 300 m³/day. Available Pressmud is 460MT/Day. So we are using leachate water for the Pressmud process. After commissioning of incineration boiler in April, 100% Leachate water will be consumed for Pressmud process. We have already made contract with Central Govt to supply Ethanol for blending in petrol. Also there is investment for incineration boiler, distillery & other units is more than Rs 100 cr. We are assuring that we will consume total leachate water for process in this season without creating any problem.
- 2) After completion of incineration boiler, lagoon will be idle and sludge from lagoon will be utilized for bicompositing. As per your instruction, its feasibility will examine through reputed Institute.
- 3) Rain water in rainy season is naturally collected in lagoon. Lagoon is occupied 100 m x 85 m square area. Sludge from empty lagoon will be re utilized in composting process.
- 4) Making of katcha lagoon empty has been started and after utilizing all leachate, it will scrapped till end of this season 2022-23, all katcha lagoons will be scrapped. Every month, one lagoon will be scrapped. Two small lagoons are made empty in month of December.
- 5) CPU for Distillery condensate is provided in expansion work. Erection work has been already started and civil work will be completed in very short period. It will be commissioned with incineration boiler.

कविता
बरिष्ठ लिपीक,
16/1/23 महाराष्ट्र प्रदुषण नियंत्रण मंडळ,
सांगली.


REGIONAL OFFICE
M. P. C. BOARD
UDYOG BHAVAN
GR FLOOR NEAR COLLECTOR OFFICE
KOLHAPUR 416003

