

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**WESTERNZONE BENCH PUNE****AT PUNE .****ORIGINAL APPLICATION NO. 69 OF 2022(WZ)**

SUNIL PHARATE

...

APPLICANT

VS

STATE OF MAHARASHTRA
AND OTHERS

...

RESPONDENTS

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PUNE

DATE: 20/07/2024



ADVOCATE FOR RESPONDENT NO.15

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERNZONE BENCH PUNE

AT PUNE

ORIGINAL APPLICATION NO. 69 OF 2022(WZ)

SUNIL PHARATE .. APPLICANT

VS

STATE OF MAHARASHTRA
AND OTHERS

.. RESPONDENTS

REPLY ON BEHALF OF RESPONDENT NO.15

**(M/s Rajaram Bapu Patil Sahakari
Sakhar Karkhana Ltd Distillery Unit)**

MAY IT PLEASE THE HON'BLE TRIBUNAL

THE RESPONDENT NO.15 MOST RESPECTFULLY SUBMITS

THAT :-

1. At the outset, it is submitted that, the Affidavit filed by the Respondent No.4 on 6th May 2024 is not admitted by the present Respondent and requires to be discarded. The present Respondent is filing the detailed response to the said Affidavit as well as Affidavit dated 28th November 2023. The Respondent No.15 has filed a detailed response on 28th August 2023, the contents of the same are affirmed as part and parcel of the present reply.

2. In the Affidavit dated 28th November 2023, the Respondent No.4 has calculated the Environmental Damage Compensation of Rs.74,10,000/- to be levied upon the Respondent No.15. It is submitted that the Respondent has failed to substantiate that what pollution has been caused by Respondent No.15 and how the Respondent No.15 is responsible for the incident of fish kill at the site. The Respondent No.4 has failed to substantiate that there has been destruction of the environment on the part of Respondent No.15 and that no justification of whatsoever nature has been given in the entire Affidavit for levying the said Environmental Damage Compensation.
3. The Respondent No.15 is producing a table of entire financial season for the last two years i.e. for 2021-2022 and 2022-2023 for the perusal of this Hon'ble Tribunal to demonstrate that the Respondent No.15 has operated within the four corners of the permissions granted by the Statutory Authorities. Copy of the table is annexed hereto and marked as **ANNEXURE – R-1**. The Respondent No.15 is also producing before the Hon'ble Tribunal the statement submitted to the State Excise department.
4. The Respondent No.15 furthermore submits that, the incident of fish kill, which has happened, has taken place at a distance of 25

km from the Respondent No.15 Unit and there is no justification to show that the present Respondent was responsible for the same. The Respondent No.15 submits that the effluent generated at the Distillery is mixed with press mud. The press mud is turned into compost and then the same is handed over to the farmers to mix with soil to increase soil fertility. Thus, there is no discharge outside the premises. Copy of the flowchart of the activity of the Respondent No.15 is annexed hereto and marked as **ANNEXURE – R-2**.

5. Furthermore, it is submitted that the Respondent has addressed a letter dated 11th January 2023 pointing out certain non-compliances. The Respondent No.15 has addressed a detailed letter dated 17th January 2023 along with the relevant proofs to demonstrate that there was no non-compliance, and that the Respondent No.15 was operating in accordance to the Consent granted by the Respondent No.4. Copy of the letter dated 11th January 2023 and the reply thereto dated 17th January 2023 is annexed hereto and marked as **ANNEXURE – R-3** colly.
6. In view of the above statements, it is clearly demonstrated that the Respondent No.15 has never indulged into any sort of activity, which has been destructed to the environment and that there is no

justification or evidence submitted by the MPCB to point out that the Respondent No.15 is responsible for any sort of pollution. Therefore, it is prayed that the case against the Respondent No.15 may kindly be dismissed with costs.

Affidavit in Support of this, is filed herewith

PUNE
DATE : 20/ 07 /2024



ADVOCATE FOR RESPONDENTNO.15

Noted & Registered
at Serial Numbers... 510/2024

20 JUL 2024



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.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 No.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 No.15 herein has filed the present reply to the Affidavit dated 6th May 2024 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 Rajaramnagar on 19th day of July, 2024.



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



Solemnly affirmed before me
Shri. R. D. Mahuli
Who is identified before me by
Shri. M. D. Rajaram Bapu
Sakhar Sakhar Karkhan
whom personally known Rajaramnagar
Dist. Sangli

BEFORE ME

SUHAS A. PATIL
ADVOCATE & NOTARY
GOVT OF INDIA REG. NO. 10145
Chavali, Tal. - Walwa, Dist. - Sangli

Adv. SUHAS A. PATIL

NOTARY REG. NO. 10145
GOVT OF INDIA
Apt. Bhambli, Tal. - Walwa, Dist. - Sangli.
Off. : Ground Floor, Huda's Shopping Center
Jun. Islamnagar Mob. 756886620 / 9822105007

Noted & Registered
at Serial Numbers.. 590/2024

20 JUL 2024



Rajarambapu Patil Sahakari Sakhar Karkhana Ltd., Rajaramnagar, Sakharale, Dist- Sangli, 415414

Distillery Division

Financial Year 2021-22			
Sr.No.	Month	R.S. Production	Working Day
1	Apr-21	1510622.0	25
2	May-21	1384100.0	21
3	Jun-21	0.0	0
4	Jul-21	0.0	0
5	Aug-21	0.0	0
6	Sep-21	269896.0	4
7	Oct-21	1990152.0	29
8	Nov-21	1633626.0	25
9	Dec-21	2004471.0	28
10	Jan-22	2307182.0	30
11	Feb-22	1978605.0	27
12	Mar-22	1743882.0	28
	Total	14822536.0	217
Avg. Production		68306.62	

Financial Year 2022-23			
Sr.No.	Month	R.S. Production	Working Day
1	Apr-22	2216341.0	29
2	May-22	2357904.0	31
3	Jun-22	654934.0	10
4	Jul-22	0.0	0
5	Aug-22	0.0	0
6	Sep-22	871184.0	15
7	Oct-22	1253316.0	23
8	Nov-22	1490678.0	21
9	Dec-22	2410661.0	30
10	Jan-23	2706762.0	31
11	Feb-23	2148253.0	27
12	Mar-23	2167202.0	29
	Total	18277235.0	246
Avg. Production		74297.70	


Distillery Manager
 Rajarambapu Patil Sah. Sak.
 Karkhana Ltd. Rajaramnagar,
 Po. Sakharale, 415414.
 Tal. Walwa, Dist. Sangli (M.S.)




(K. B. Nade)
SUB INSPECTOR STATE EXCISE
DISTILLERY DIVISION
 W/S R. P. Patil Sah. Sakhar Karkhana Ltd.
 Rajaramnagar, Dist. Sangli, 415414

11.9 JAN 2023

To

Regional Officer

Regional Office, Maharashtra Pollution Control Board,

Udyog Bhavan, Near Collector Office

Kolhapur, 416003

ANNEXURE-R-2

Subject: Direction Notice u/s 33A of Water (P&C of Pollution) Act 1974, 31 A of Air (P&C of Pollution) Act, 1981 and Hazardous Waste (M, H & T) Rules, 2008.

Reference: Your direction no.MPCB/RO/KOP/PD/2301110011 Date 11-01-2023

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 - 350 m³/day. Available Pressmud is 460 MT/Day, which is not sufficient for Biocomposting. So we are using leachate water for the Pressmud process. After commissioning of incineration boiler in April 2023, 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 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 and we will submit report to your office.
- 3) Every season we are consuming total Spentwash for process of biocompost without creating any problem.
- 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. Till to date three small lagoons are made empty. Photos of empty lagoons are attached for your kind reference.
- 5) CPU for Distillery condensate is provided in Distillery expansion work. Erection work has been already started and civil work will be completed in very short period. Work is allotted to Global Enviro Ltd. It will be commissioned in last week of March, 2023.
- 6) 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.

कक्षा 19/11/23
परिष्कारित लिपिक,
द्वारा प्रदत्त नियंत्रण मंडळ

19/11/23
Udyog Bhavan
Collector Office

- 7) Concentrated Leachate is utilizing for Pressmud process within existing season. Next season total land at compost site will be examined by reputed institute. Soil study will be carried out and steps will take as per instructions.
- 8) Soil at compost site is heavy black cotton soil and it is having saline in nature. As per your instruction, its feasibility will examine through reputed Institute and we will submit report to your office. We have analyzed some Bore well samples of nearby farmers in MoEF approved laboratory and reports are attached for your kind reference.

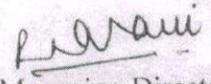
We are not discharging any type of effluent or leachate in to nearby nalla. There is bund around our premise. Detail study will be carried out through reputed institute as per instructions. Steps will be taken as per their report & soil samples, water analysis will be done from reputed laboratory (MOEF approved). Reports will be submitted to your office.

Karkhana Management has taken all the efforts for effective implementation of environment management measures. We always follow Consent Conditions and your instructions given time to time & we assure you to continue it in future. So on the above grounds we are requesting don't take any legal action against us.

We hope that the above clarification is satisfactory.

Thanking You,

Yours faithfully


Managing Director

Copy to:

The Sub - Regional Officer,
Sub - Regional Office, MPCB,
300/2, Udyog Bhavan, Vishrambag Sangli- 416415

**MAHARASHTRA POLLUTION CONTROL BOARD
REGIONAL OFFICE, KOLHAPUR.**

Tel. No. (0231) 2652952,
2660448
Fax No. (0231) 2652952
E-mail:
rokolhapur@mpcb.gov.in



Udyog Bhavan,
Near Collector Office,
Kolhapur - 416 003.
Website: http://mpcb.mah.nic.in

"Your Service is Our Duty"

No. MPCB/RO/KOP/PDI 2301110011

Date: 11/01/2023

To,
M/s. Rajarambapu Patil Sahakari Sakhar Karakhana Ltd. (Distillery)
Rajaramnagar, Post - Sakharale
Tal. Walwa, Dist. Sangli

R. B. P. S. S. K. LTD.
RAJARAMNAGAR

9675
16 JAN 2023

Sub: 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: 1. Hon'ble National Green Tribunal dated 24/08/2022 in the Original Application No. 69 of 2022 (WZ),
2. Visit of Board Officials along with committee members dated 30.11.2022
3. Online proposal submitted by SRO Sangli.

WHEREAS, you are operating your unit in 'Pollution Prevention Area' declared under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 & Hazardous Waste (Management & TM) Rules, 2008 as amended 2016.

AND WHEREAS, it is obligatory on your part to provide adequate water and air pollution control devices and adequate health and safety & accidental precautionary measures and to operate it round o'clock so as to prevent any sort of pollution in the surrounding area and to achieve the standards laid down under the provisions of Environment (Protection) Act, 1986.

AND WHEREAS, the joint committee visited your unit on 30/11/2022 submitted the report to Hon'ble NGT, and observed following non compliances.

1. You have failed to operate the distillery plant so that the generated spent wash shall be 100% utilized by the industry before starting the rainy season and shall treat remaining spent wash through bio-digester followed by concentration in MEE. Resultant concentrated effluent shall be utilized in subsequent preparation of bio-compost along with press mud.
2. You have failed to De-sludge the accumulated sludge & also not proportionated the dried sludge with press mud for preparation of bio-compost. You shall verify the same by examining the feasibility through any reputed Govt. institute/Govt. Engineering College & submit the report for the same.
3. You have failed to ensure that concentrated spent wash generated shall be completely utilized in preparation of bio-compost during non-monsoon season.
4. You have failed to submit a time bound action plan to scrap and level all the cluster of old unlined spent wash storage lagoons.
5. You have failed to Provide CPU for reuse/recycle of treated effluent as per the consent conditions dated 10/10/2021.
6. You have failed to treat Spent wash contaminated water from cluster of old unlined spent wash storage lagoons About 4,01,427 sq.m (about 99 acres) of land within the industry premises found filled with raw/partially treated spent wash/spent wash contaminated water

- 777
7. Soil samples taken from 10 cm depth near the cluster of old unlined spent wash storage lagoons have higher concentration of pH, salinity, organic carbon, phosphorous and potassium. No study has been conducted to assess impact on soil and ground water due to high concentration as (vi) above and remedial measures required thereof.
 8. You have failed to carrying-out detailed studies and take time-bound action plan to contain further impact, if any.

AND WHEREAS, after considering the above non compliances, the joint committee, therefore, recommended a detailed study through reputed institutes like College of Engineering, Pune/ Mahatma Phule Krishi Vidyapeeth, Pune/major Govt. Engineering Colleges to prepare Detailed Project Report (DPR) which may include following immediate measures:

- A. Delineation of impacted area due to disposal of spent wash.
- B. Detailed soil and ground water characteristics analysis/investigation with assessment of soil and ground water qualities in the aforesaid affected areas and depth levels to which the same are affected.
- C. Scrapping and reclaiming of all unlined spent wash storage lagoons (solar evaporation pits) should be remediated.
- D. In case remediation is required, details of required remediation treatment such as in-situ treatment (bio-remediation/phytoremediation/air purging etc. or off-site treatment (soil excavation and management of excavated soil) along with engineering details & time period and cost thereof with expected target quality/goals in terms of various parameters of concern.

AND WHEREAS, after examining the record of your case, reports of officers of the Board & making necessary enquiries, I am satisfied that you are causing Environmental Pollution problems in the surrounding area and knowingly & wilfully causing grave injury to the environment thereby violating various Environment enactments.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by the Board under section 33A of the by the Water (Prevention & Control of Pollution) Act, 1974 and section 31A of Air (Prevention & Control of Pollution) Act, 1981 it is proposed to issue the following directions (for avoidance of doubt, the directions include closure, prohibition or regulation of your activities).

- 1) Why further legal action shall not be initiated against your unit?

You are directed to file your reply to these directions if any, within seven days from the receipt of this notice, failing which Board shall consider issuance of appropriate further directions as may be deemed fit in your case, which may please be noted.

FOR AND ON BEHALF OF THE BOARD



J. S. Salunkhe
11.01.23
(J. S. Salunkhe)
Regional Officer,
M.P.C. Board, Kolhapur

Copy submitted for information.

- 1) Member Secretary, M.P.C. B, Mumbai.
- 2) Joint Director (Water Pollution Control) Mumbai.

Copy to:
Sub-Regional Officer, M. P. C. Board, Sangli.

- He is directed to serve the directions to the above industry and submit the compliance Report along with clear cut remarks accordingly within stipulated period.

J. S.

